

CASE NO. \_\_\_\_\_

JEFFERSON CIRCUIT COURT  
DIVISION \_\_\_\_\_

Electronically Filed

**KAMAE DIXON, as parent, guardian, and  
next friend of K.D., A MINOR**

**PLAINTIFFS**

and

**KAMAE DIXON**

v.

COMPLAINT

**JEFFERSON COUNTY BOARD OF EDUCATION  
a/k/a JCPS**

**DEFENDANTS**

Vanhoose Education Center  
3332 Newburg Rd.  
Louisville, KY 40218

Serve: Marty Polio, Superintendent  
3332 Newburg Rd.  
Louisville, KY 40218

**DR. MARTY POLIO**  
3332 Newburg Rd.  
Louisville, KY. 40218

Serve: Marty Polio, Superintendent  
3332 Newburg Rd.  
Louisville, KY 40218

**PAIGE HARTSTERN**  
3332 Newburg Rd.  
Louisville, KY 40218

Serve: Marty Polio, Superintendent  
3332 Newburg Rd.  
Louisville, KY 40218

**DUAN V. WRIGHT**  
621 E. Burnett Ave.  
Louisville, KY 40217

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Come the Plaintiffs, Kamae Dixon, as parent, guardian, and next friend of K.D., a minor, and Kamae Dixon, by counsel, and for their Complaint against Defendants, state as follows:

**PARTIES**

1. Plaintiff Kamae Dixon is the natural mother of minor child, K.D. Kamae Dixon brings claims against Defendants both individually on her own behalf and on behalf of K.D. in her capacity as parent, guardian, and next friend. At all times relevant hereto, Kamae Dixon has resided in Jefferson County, KY.
2. K.D. is and was at all times relevant a minor and is a resident of Louisville, Jefferson County, Kentucky.
3. The incident complained of herein took place at Hartstern Elementary School located at 5200 Morningside Way in Louisville Metro., Jefferson County, Kentucky, a public elementary school of the Jefferson County Public School District.
4. Upon information and belief, Defendant Jefferson County Board of Education was and is under the management and control of Jefferson County Board of Education d/b/a, the Jefferson County Public Schools (hereinafter, "JCPS") located in Louisville Metro., Jefferson County, Kentucky, a State Public Agency with all employees' actors of the Commonwealth of Kentucky.
5. Upon information and belief, Defendant Duan V. Wright is and was at all times relevant a resident of Louisville, Jefferson County, Kentucky, and was principal at Hartstern Elementary School at the time of the incident. All acts and omissions alleged against Defendant Wright herein are alleged to have occurred in both Wright's individual capacity

and his official capacity as an employee of JCPS. Defendant Wright is sued in his individual and official capacity.

6. Upon information and belief, Defendant Dr. Marty Polio is and was at all times relevant a resident of Louisville, Jefferson County, Kentucky and is the superintendent of Jefferson County Public Schools. All acts and omissions alleged against Defendant Polio herein are alleged to have occurred in both Polio's individual capacity and his official capacity as an employee of JCPS. Defendant Polio is sued in his individual and official capacity.
7. Upon information and belief, Defendant Paige Hartstern is and was at all times relevant a resident of Louisville, Jefferson County, Kentucky and is the assistant superintendent of Jefferson County Public Schools. All acts and omissions alleged against Defendant Hartstern herein are alleged to have occurred in both Hartstern's individual capacity and her official capacity as an employee of JCPS. Defendant Hartstern is sued in her individual and official capacity.
8. Defendants Polio, JCPS, and Hartstern are liable for all the negligent, grossly negligent, intentional, and/or wrongful acts and omissions of Defendant Duan V. Wright via the doctrines of *Respondeat Superior*, agency, and vicarious liability.
9. Defendant JCPS is liable for all the negligent, grossly negligent, intentional, and/or wrongful acts and omissions of Defendant Polio via the doctrines of *Respondeat Superior*, agency, and vicarious liability.
10. Defendants Polio and JCPS are liable for all the negligent, grossly negligent, intentional, and/or wrongful acts and omissions of Defendant Hartstern via the doctrines of *Respondeat Superior*, agency, and vicarious liability.

### **JURISDICTION AND VENUE**

11. Plaintiffs seek damages in excess of the jurisdictional minimum of this Court.
12. The events complained of herein occurred in Jefferson County, Kentucky.
13. This Court has jurisdiction over this matter, and venue is proper in the Jefferson Circuit Court.

### **FACTUAL BACKGROUND**

14. Plaintiffs re-allege and incorporate all of the allegations contained in the previous paragraphs as if fully set forth herein.
15. The facts articulated below largely summarize the conduct of the Defendants, the Plaintiff Kamae Dixon, and her minor son, K.D.
16. At the time of the injuries complained of herein, K.D. was just seven (7) years old and a second-grade student at Hartstern Elementary School.
17. At the time of the injuries complained of herein, Plaintiff Kamae Dixon was an employee of Jefferson County Public Schools.
18. According to the New York Times, there were no less than 11 school shootings in 2019. According to the BBC, there were at least 23 school shootings in 2018. This included the deadly Parkland School Shooting in Parkland, Florida where 17 students were killed and 17 more were injured.
19. According to the U.S. Center for Homeland Defense and Security and the Federal Emergency Management Agency (FEMA), a total of 94 gun incidents occurred in U.S. schools during 2018.
20. In response to the epidemic of gun violence across the country, JCPS has repeatedly indicated in its policies, procedures, and in many other public statements that it takes

student safety very seriously. JCPS has specifically gone on record in many, many capacities regarding the danger of guns and the strategies it implements to protect staff and students by minimizing, deterring, and preventing guns from being present on JCPS campuses.

21. JCPS maintains and publishes a Policy/Procedure Manual. This manual is available on the JCPS website. Section 5.48 discusses JCPS' policies and procedures regarding "Weapons."

**This section is Exhibit 1 to Plaintiffs' Complaint.**

22. Section 5.48 states, "This policy applies to all individuals on District property including students, staff members, and visitors to the school. Violations of this policy shall be reported to a law enforcement agency."

23. It continues to state *any* violation of the policy must be reported to law enforcement and will result in disciplinary action...including termination.

24. Section 5.48 addresses "Look-Alike Weapons." It states that, in the case of a look-alike weapon, anyone "who uses it to intimidate, threaten, or harass someone will be treated as if he or she used a real weapon." According to JCPS's own policies and procedures there is no difference if a gun is real or a "look-alike" in terms of administrative response.

25. Despite this, JCPS principal, Duan Wright, threatened two 7-year-old boys in his office with a gun. He threatened to kill them.

26. Upon information and belief, JCPS leaders and administration knew that prior to the incident in 2019, Wright had a long history littered with violent/aggressive outbursts and dangerous conduct at school.

27. Starting in 2009, continuing to the 2019 incident that is the subject of this case, and sadly persisting through his long-belated termination in 2023, Wright was alleged to have:

- a. punched students,
  - b. violently grabbed students,
  - c. dragged students by their clothes and body,
  - d. carried students over his shoulder,
  - e. threatened students with violence,
  - f. threatened and assaulted teachers and/or staff.
28. Despite being aware of these investigations and credible allegations, including the incident which is the subject of this complaint, Hartstern and Polio took no disciplinary or corrective actions against Wright for years, emboldening Wright to continue his misconduct.
29. Despite this knowledge, JCPS (via Polio, Hartstern, and others) continued to employ Wright, took no meaningful disciplinary or corrective actions, and continued to put young students, employees, and parents into harm's way.
30. Had Polio, Hartstern, or anyone else in JCPS taken action sooner, what is described in this lawsuit would not have occurred to Plaintiffs.
31. After Wright used a gun to threaten the 7-year-old boys, JCPS continued to employ him and even promote him. Sadly, this continued lack of action from JCPS allowed Wright to victimize at least one other student and family. Wright was sued for this subsequent conduct in 2022 prior to the filing of this lawsuit. See the lawsuit filed by Kelly Hatchell on behalf of herself and her child: Hatchell, et al v. Wright, et al. Case No. 22-CI-006436.

### FACTS

32. On or about September 26, 2019, K.D. reported to school at Hartstern Elementary School. During class, K.D. and a fellow student were sent to the principal's office by their teacher for disrupting class. They were personally escorted by principal Wright to his office.
33. In his office, Wright informed both K.D. and the other student that they would be forced to remain in his office for the entirety of the day as punishment for their actions.
34. While confined to Wright's office, Wright became angry and/or frustrated with the two young boys.
35. Wright opened his desk drawer and removed a gun. Wright slammed the gun on the desk in front of the two children and threatened to kill them. Wright said, "if you don't get it together, I'm going to feed you to the wolves."
36. K.D. immediately became fearful for his life, believing the threat to be genuine and danger imminent. Both boys began to cry after seeing the gun and hearing Wright's threat.
37. Following the incident, K.D.'s behavior drastically changed, and he began to suffer from frequent bedwetting, stomach aches, headaches, and uncharacteristic outbursts at home, which was atypical behavior.
38. Both K.D. and the other minor student reported the incident involving Defendant Wright to teachers and/or staff at Hartstern Elementary School. The two boys were interviewed, independently and separately, by a CPS worker. The boys' accounts were consistent and detailed, corroborating the events that had taken place in Wright's office. K.D. also revealed that Defendant Wright had spanked him on a prior occasion.
39. Incredibly and disturbingly, Wright pulled K.D. out of class on the day he was interviewed by CPS and questioned him about the CPS interview.

40. Wright was also interviewed by CPS. He denied the incident occurred. However, he did admit that he owned a gun. He also admitted that he pulled the two boys out of class to discuss the CPS interviews.
41. Further, Wright disclosed to CPS that he told students a monster named “Mr. Baboo” lived in a custodial closet as a strategy of scaring students to deter bad behavior.
42. Despite being made aware of the consistent and detailed reports by both K.D. and the other minor student, Polio and Hartstern took no disciplinary or corrective action against Wright. Instead, the claims made against Wright were described as “unsubstantiated” and “inconclusive.”
43. On or around January 2020, after K.D. had reported the September 26, 2019, incident, Wright privately contacted Kamae Dixon via telephone. During the conversation, Wright admitted he had threatened K.D. with a gun. The gun, he explained, had been a “toy gun confiscated from another student.”
44. Despite all of this, JCPS took no action against Wright, and he continued to confront K.D. at school during the weeks and months that followed.
45. With JCPS taking no action to stop Wright from victimizing students, parents, and staff, the Kentucky Education Professional Standards Board (EPSB) stepped in to investigate Wright’s conduct.
46. EPSB ultimately scheduled an adjudicative hearing to present evidence to the professional standards board. If the allegations against Wright were substantiated, Wright’s imposed sanctions could have included the permanent loss of his educator’s license/certification.



47. Just days before the final hearing was to take place, Wright entered into an Agreed Order with the EPSB which functioned essentially as a plea bargain. **This Agreed Order is Exhibit 2 to Plaintiff's Complaint.**
48. The Agreed Order, dated September 7, 2023, stipulated that Wright agreed to a two-month suspension of his license, complete training in Educator Ethics (among other things), and was placed on a period of probation.
49. The Agreed Order was signed and agreed to by Duan Wright, the Deputy General Counsel for the Education Professional Standards Board, and the Board Chair of the Education Professional Standards Board.
50. Notably, in paragraph 3 of the Agreed Order, the parties to the Order stated, **“By letter dated November 4, 2019, Dr. Martin Polio, Superintendent of Jefferson County Public Schools notified the Board that Wright displayed a toy firearm and used inappropriate language to gain student compliance.”**
51. While Plaintiffs dispute the characterization of the gun as a “toy gun”, Plaintiffs state that this admission from Dr. Polio is shocking. Despite admitting that Wright used a gun and inappropriate language, Polio and JCPS did nothing to stop Wright or to protect his current and future victims. JCPS did not follow the policies and procedures that they themselves hold out to the public. Unfortunately for the public (like the family of Kelly Hatchell), this total failure by JCPS administration resulted in Wright having the opportunity to continue harming children and their families.
52. In 2022, following additional reports of abuse and a subsequent lawsuit, Defendant Wright was forced to step down from his role as principal of Hartstern Elementary School. Yet,

Polio and Hartstern allowed Wright to continue to serve as an educator, promoting him to the position of “Principal of Academic Achievement.”

53. Wright’s new position took him out of the school building and relocated him to a JCPS administrative office building. This happened to be the same building where Plaintiff Kamae Dixon worked.

54. Kamae was shocked and terrified when Wright showed up to work in her building. She felt physically ill having to see him at work.

55. Frequently while at work, Wright would approach Kamae and attempt to dissuade her from continuing to cooperate with the EPSB’s investigation. Wright asked her to “drop the case for the benefit of her son.”

56. Kamae alerted JCPS administrators that they had placed Wright, the man who threatened her son’s life with a gun, in the same workplace as her. She asked them to move either Wright or herself to a different location so that she would not have to endure the trauma of interacting with Wright.

57. JCPS completely ignored her pleas and forced her to work near Wright.

58. Kamae had no choice but to protect herself and her family by resigning her employment with JCPS.

59. On March 12, 2024, four (4) months before Wright was to be deposed in the *Hatchell* case, JCPS terminated Duan Wright from his employment at JCPS.

60. Sadly, this long overdue termination was too little, too late. The damage was already done.

61. Due to the acts and omissions of Wright, Polio, Hartstern, and JCPS, Kamae Dixon and K.D.’s lives have been nearly destroyed. The Defendants have dehumanized and irreparably harmed the Dixon household.

62. Defendants are directly and/or vicariously liable for any acts and omissions by any person or entity, directly or indirectly controlled, including any governing body, officer, employee, ostensible or apparent agent, partner, consultant or independent contractor, whether in-house or outside individuals, entities, agencies or pools.
63. Defendants failed to discharge their obligations of care to K.D. and in so failing, displayed a conscious disregard for his rights, safety, and emotional wellbeing. At all times mentioned herein, Defendants, individually and/or through their corporate officers and administrators, had knowledge of, ratified and/or otherwise authorized all of the acts and omissions that caused the injuries suffered by Plaintiff Kamae Dixon and K.D., as more fully set forth below.
64. Due to the wrongful conduct of the Defendants, K.D.'s learning abilities, academic achievement, and social interactions declined, and his quality of life has severely diminished. K.D. now suffers from PTSD and will have to address this diagnosis for the rest of his life.
65. K.D. also suffered unnecessary loss of personal dignity, extreme pain and suffering, degradation, mental anguish, disability, and impairment of his future ability to labor and earn money. All of this was caused by the wrongful conduct of Defendants as alleged herein. K.D.'s damages are ongoing and are permanent.
66. Plaintiff Kamae Dixon suffered, and continues to suffer, severe emotional distress, degradation, humiliation, loss of dignity, mental anguish, impairment of her ability to labor and earn income, and pain and suffering. All of these damages were caused by the wrongful conduct of Defendants as alleged herein. Kamae's damages are ongoing and are permanent.

**CLAIMS OF K.D.**

**COUNT I – NEGLIGENCE AND GROSS NEGLIGENCE**

67. Plaintiffs re-allege and incorporate all of the allegations contained in previous paragraphs as if fully set forth herein.
68. Defendants owed Plaintiffs a duty to exercise ordinary care to prevent foreseeable injuries, including the duty to protect K.D. from threatening, violent, and/or damaging conduct of Wright which violates the policies and procedures promulgated by JCPS.
69. Wright specifically owed a duty to exercise reasonable care in his dealings with students.
70. Defendants further owed Plaintiffs a duty to ensure its non-exempt employees were not carrying weapons or issuing death threats to students like K.D.
71. Defendants had an enhanced ability to observe and monitor Wright's behavior, especially when he engaged in tortious behavior at Hartstern Elementary School, and elsewhere while an employee of JCPS.
72. Defendants breached their duty because they took no action against Wright to investigate, discipline, or remove him, or warn or inform Plaintiffs or other students and parents that Wright was inappropriate and abusive, threatening students, and assaulting students, including K.D.
73. Defendants acted in reckless disregard for the rights, lives, and safety of others, including K.D.
74. The conduct, actions, and omissions of Defendants breached the duty of care owed, constituting negligence and gross negligence, and caused Plaintiffs damages.
75. Defendants are vicariously liable for all negligent, grossly negligent, and wrongful acts and omissions of Wright.

76. Wright, specifically, is liable for all of his own negligent, grossly negligent, and wrongful acts and omissions.

77. Defendants are liable to Plaintiffs for compensatory damages, of whatever nature, in an amount to be determined by the jury arising from its own negligence and gross negligence and are vicariously liable for Wright's conduct, which caused injuries to the Plaintiffs.

### **COUNT II – OUTRAGE**

78. Plaintiffs re-allege and incorporate all of the allegations contained in previous paragraphs as if fully set forth herein.

79. Wright knew that K.D. was a 7-year-old child that would likely be terrified by the sight of a gun. Despite this knowledge, Wright intentionally brandished a gun and threatened to kill K.D.

80. Wright's conduct was intentionally done to embarrass, humiliate, frighten, and/or cause mental distress to Plaintiff, K.D.

81. Wright's conduct was outrageous and outside the scope of any measurable level of decency.

### **COUNT III – FALSE IMPRISONMENT**

82. Plaintiffs re-allege and incorporate all of the allegations contained in previous paragraphs as if fully set forth herein.

83. Wright deprived K.D. of his liberty and detained him without consent and against his will when he threatened K.D. with a gun and would not allow K.D. to leave his office at any time during the school day.

84. Wright's detention was deliberate and malicious, and it was carried out with the intent to cause K.D. to reasonably believe he was confined to an area with no reasonable means of escape.
85. Wright's detention of K.D. constitutes the intentional tort of False Imprisonment.
86. As a direct and proximate result of the willful, wanton, malicious and intentional actions of Wright, K.D. suffered bodily injuries, severe emotional distress, PTSD, mental anguish, humiliation, and embarrassment.
87. Wright's conduct herein warrants the imposition of punitive damages.
88. Defendants are vicariously liable for all negligent, grossly negligent, and wrongful acts and omissions of Wright.

#### **COUNT IV – ASSAULT**

89. Plaintiffs re-allege and incorporate all of the allegations contained in previous paragraphs as if fully set forth herein.
90. Wright, while acting in his official and individual capacities, deliberately and intentionally brandished a gun in a manner directed at K.D., thereby creating a reasonable apprehension of imminent harmful or offensive contact.
91. Wright's conduct was deliberate and malicious, and it was carried out with the intent to cause K.D. to reasonably believe he was in immediate danger of being harmed or killed.
92. Wright committed the intentional tort of Assault.
93. As a direct and proximate result of the willful, wanton, malicious and intentional actions of Wright, K.D. suffered bodily injuries, severe emotional distress, PTSD, mental anguish, humiliation, and embarrassment.

94. Wright's conduct herein warrants the imposition of punitive damages.
95. Defendants are vicariously liable for all negligent, grossly negligent, and wrongful acts and omissions of Wright.

**COUNT V – NEGLIGENCE PER SE - KRS 620.030 DUTY TO REPORT**

96. Plaintiffs re-allege and incorporate all of the allegations contained in previous paragraphs as if fully set forth herein.
97. The Defendants owed Plaintiff Kamae Dixon and K.D. a duty of reasonable care as K.D. was a student in the custody of Defendants. Specifically, the Defendants were required to immediately report any incidents that are outlined within KRS 620.030.
98. On the day that Wright brandished a gun and threatened to kill K.D., he did not report that incident as required by KRS 620.030.
99. At all times relevant herein, Wright engaged in a pattern and course of conduct of abusing children while working for Defendants, which conduct was known or reasonably should have been known by agents, servants, or employees of Defendants, thereby creating a duty pursuant to KRS 620.030 to report said abuse to law enforcement.
100. Defendants breached this duty by failing to provide a safe and secure educational environment and acted in reckless disregard for the rights, lives, and safety of others, including K.D. when they did not report the incident as required by KRS 620.030.
101. This breach caused damages, including pain and suffering, the impairment of future earnings, medical expenses, and other statutory damages.

**COUNT VI - NEGLIGENCE PER SE - KRS 508.080 TERRORISTIC THREATENING**

102. Plaintiffs re-allege and incorporate all of the allegations contained in previous paragraphs as if fully set forth herein.
103. Wright breached the duty to follow the laws of Kentucky as to K.D. Wright is in violation of KRS 508.080 because he brandished a gun and threatened to kill K.D. on September 26, 2019.
104. This breach caused damages, including pain and suffering, the impairment of future earnings, medical expenses, and other statutory damages.

**COUNT VII - NEGLIGENCE PER SE - KRS 508.100 CRIMINAL ABUSE**

105. Plaintiffs re-allege and incorporate all of the allegations contained in previous paragraphs as if fully set forth herein.
106. , Wright, breached the duty to follow the laws of Kentucky as to K.D. Wright is in violation of KRS 508.100 because he brandished a gun and threatened to kill K.D. on September 26, 2019.
107. K.D. was in the custody and control of Defendants, specifically Wright, was confined to Wright's office, and was under the age of 12 at the time.
108. This breach caused damages, including pain and suffering, the impairment of future earnings, medical expenses, and other statutory damages.

**COUNT VIII - NEGLIGENCE PER SE - KRS 524.040  
INTIMIDATING PARTICIPANT IN THE LEGAL PROCESS**

109. Plaintiffs re-allege and incorporate all of the allegations contained in previous paragraphs as if fully set forth herein.



110. Defendants breached the duty to follow the laws of Kentucky as to K.D. Defendants are in violation of KRS 540.040 because Wright repeatedly engaged in conversations to manipulate, control, interfere, and/or influence K.D.'s cooperation with CPS and/or JCPS investigators/interviewers.
111. This breach caused damages, including pain and suffering, the impairment of future earnings, medical expenses, and other statutory damages.

### **COUNT IX – PUNITIVE DAMAGES**

112. Plaintiffs re-allege and incorporate all of the allegations contained in previous paragraphs as if fully set forth herein.
113. The Plaintiffs are entitled to punitive damages due to the above described intentional and grossly negligent conduct of the Defendants.
114. The heightened standard of proof for punitive damages as required by the General Assembly in KRS 411.184(2) is unconstitutional and should be determined to be null and void.
115. The restrictions on recovery of punitive damages against a principal or employer, as set forth in KRS 411.184(3), are unconstitutional and should be determined to be null and void.

**CLAIMS OF KAMAE DIXON**

**COUNT X – NEGLIGENCE AND GROSS NEGLIGENCE**

116. Plaintiffs re-allege and incorporate all of the allegations contained in previous paragraphs as if fully set forth herein.
117. Defendants owed Plaintiffs a duty to exercise ordinary care to prevent foreseeable injuries, including the duty to protect Kamae Dixon from threatening, violent, and/or damaging conduct of Wright.
118. Defendants breached their duty/duties to Kamae Dixon, by placing Wright in the same physical workplace as her after he was accused of threatening her son with a gun and was actively being prosecuted by the EPSB. This allowed Wright to confront and traumatize Kamae Dixon and attempt to intimidate her participation in the EPSB investigation.
119. Defendants acted in reckless disregard for the rights, lives, and safety of others, including Kamae Dixon.
120. The conduct, actions, and omissions of Defendants breached the duty of care owed, constituting negligence and gross negligence, and caused Plaintiffs damages.
121. Defendants are vicariously liable for all negligent, grossly negligent, and wrongful acts and omissions of Wright.
122. Defendants are liable to Plaintiffs for compensatory damages, of whatever nature, in an amount to be determined by the jury arising from its own negligence and gross negligence and are vicariously liable for Wright's conduct, which caused injuries to the Plaintiffs.

**COUNT XI - NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS**  
**AS TO KAMAE DIXON**

123. Plaintiffs re-allege and incorporate all of the allegations contained in previous paragraphs as if fully set forth herein.
124. Defendants owed a duty of care to Plaintiff Kamae Dixon, the natural mother of K.D., as a foreseeable bystander who was present during and impacted by Defendants' failure to provide a safe educational environment for K.D.
125. Defendants breached their duty of care by failing to exercise ordinary and reasonable care in maintaining a safe and secure school environment, and by allowing Wright to engage in dangerous, reckless, and negligent conduct, including threatening Plaintiff Kamae Dixon's minor child, K.D., with a gun.
126. As a direct and proximate result of the acts and omissions of Defendants, as set forth herein, Plaintiff Kamae Dixon suffered serious and/or severe emotional distress as a parent and bystander.

**COUNT XII – NEGLIGENT HIRING/TRAINING/RETENTION/SUPERVISION**

127. Plaintiffs re-allege and incorporate all of the allegations contained in previous paragraphs as if fully set forth herein.
128. Hartstern and Polio had duties to exercise ordinary and reasonable care for the safety of the students at Hartstern Elementary School, including K.D., to take all reasonable steps to protect the students at Hartstern Elementary School, including K.D., from foreseeable harm, and to maintain a safe educational environment for the students at Hartstern Elementary School, including K.D.

129. Hartstern and Polio had the duty of training, retaining, and supervising Wright as the principal of Hartstern Elementary School.
130. Hartstern and Polio received numerous credible reports of misconduct by Wright.
131. Hartstern and Polio knew, or should have known, of Wright's violent and abusive conduct and failed to exercise ordinary and reasonable care in training, retaining, and supervising Wright.
132. Hartstern and Polio encouraged Wright's conduct by refusing to take action to reprimand Wright and permitted him to remain in a position of power over the very students that he was abusing.
133. Hartstern and Polio failed to take any reasonable actions to prevent further abuse and attacks by Wright.
134. Hartstern and Polio failed to have active security cameras in the school to monitor the safety of the students, including K.D.
135. Hartstern and Polio knew, or should have known, that their failures would result in harm to students at Hartstern Elementary School, as well as the students' parents and/or guardians.
136. The acts and omissions of Hartstern and Polio constitute breaches of the duties they owed to Plaintiff Kamae Dixon and K.D.
137. Hartstern and Polio's negligence was the direct and proximate cause of and was a substantial factor in causing or contributing to Plaintiff Kamae Dixon and K.D.'s damages.
138. As a direct and proximate cause of the conduct of Hartstern and Polio, Plaintiff Kamae Dixon and K.D. have suffered physical harm and have suffered and will continue to

suffer severe emotional distress, PTSD, and mental anguish. K.D. has incurred, and will incur in the future, medical expenses.

139. At all times relevant herein, Defendant Hartstern and Defendant Polio acted with grossly negligent behavior and wantonly disregarded the life, health, and/or rights of Plaintiff Kamae Dixon and K.D., such that punitive damages are warranted.

**COUNT XIII – PUBLIC POLICY WRONGFUL TERMINATION**  
**AS TO KAMAE DIXON**

140. Plaintiffs re-allege and incorporate all of the allegations contained in previous paragraphs as if fully set forth herein.
141. At all times relevant herein, Plaintiff Kamae Dixon was employed by JCPS and performed her duties in a professional and competent manner.
142. Following the September 26, 2019, incident, JCPS administrators knowingly and intentionally placed Wright in the same administrative building where Kamae Dixon worked. This created a hostile environment that subjected Plaintiff to severe emotional distress, mental anguish, and ongoing pain and suffering.
143. Kamae Dixon made repeated good-faith efforts to report her concerns to supervisors and/or relevant administrators. Despite these reports, Defendants failed to take any appropriate or meaningful remedial action to alleviate the hostile environment or address the harm caused by Wright's presence in the same workplace.
144. Due to Defendants' deliberate indifference and failure to act, Kamae Dixon was left with no reasonable alternative but to resign from her position.
145. JCPS, through its agents and employees, constructively discharged Kamae Dixon.

146. As a result of Defendants' unlawful conduct and constructive discharge, Kamae Dixon has suffered damages including loss of income and benefits, emotional distress, humiliation, and mental anguish.

**COUNT XIV - INTIMIDATING PARTICIPANT IN THE LEGAL PROCESS**

147. Plaintiffs re-allege and incorporate all of the allegations contained in previous paragraphs as if fully set forth herein.
148. Defendants breached the duty to follow the laws of Kentucky as to K.D. Defendants are in violation of KRS 540.040 because Wright repeatedly engaged in conversations to manipulate, control, interfere, and/or influence Kamae's cooperation with EPSB, CPS, and/or JCPS investigators/interviewers.
149. Defendants JCPS and Polio placed Wright in the same workplace as Kamae Dixon even while the EPSB was actively prosecuting Wright with Kamae and K.D. being anticipated witnesses at Wright's disciplinary board hearing.
150. While being forced to be in the same building as Wright, Kamae was subjected to Wright's efforts to persuade her to "drop the case" against him. Wright told Kamae that dropping the case would be better for her son (K.D.).
151. This breach caused damages, including pain and suffering, the impairment of future earnings, medical expenses, and other statutory damages.

**COUNT XV – PUNITIVE DAMAGES AS TO KAMAE DIXON**

152. Plaintiffs re-allege and incorporate all of the allegations contained in previous paragraphs as if fully set forth herein.

153. The Plaintiffs are entitled to punitive damages due to the above described intentional and grossly negligent conduct of the Defendants.
154. The heightened standard of proof for punitive damages as required by the General Assembly in KRS 411.184(2) is unconstitutional and should be determined to be null and void.
155. The restrictions on recovery of punitive damages against a principal or employer, as set forth in KRS 411.184(3), are unconstitutional and should be determined to be null and void.

**WHEREFORE**, Plaintiffs, demand as follows:

1. Judgment on all counts of their Complaint;
2. Leave to amend their Complaint as proof develops;
3. Compensation for past and future medical expenses, past and future pain and suffering, impairment of future ability to labor and earn wages, and other compensatory damages;
4. For an award of punitive damages in such amount as a jury may find just at trial of this matter;
5. For punitive damages;
6. For an award of their costs expended herein;
7. For an award of their reasonable attorney fees;
8. For any and all other such relieve to which they may appear entitled.

Respectfully submitted,

**Alex R. White, PLLC**

/s/ John Spalding (95065)

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&

/s/ Emily Tinsley (101050)

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## SCHOOL FACILITIES

05.48

**Weapons**

This policy applies to all individuals on District property including students, staff members, and visitors to the school. Violations of this policy shall be reported to a law enforcement agency.

**WEAPONS PROHIBITED**

Except where expressly and specifically permitted by Kentucky Revised Statute, the carrying, bringing, using, or possessing any weapon or dangerous instrument in any school building, on school grounds, in any school vehicle or at any school-sponsored event is prohibited.<sup>3</sup>

Violation of this policy by an employee is grounds for disciplinary action up to and including termination.

Violation of this policy by a student shall require that the Principal immediately make a report to the Superintendent/designee, who shall determine the appropriate disciplinary action in accordance with Board policies and the Student Support and Behavior Intervention Handbook, including, but not limited to placement in an alternative program or setting in lieu of expulsion. In addition, when they have reasonable belief that a violation has taken place, principals shall immediately report to law enforcement officials when an act has occurred on school property or at a school-sponsored event that involves student possession of a firearm in violation of the law or assault involving the use of a weapon.

**LOOK-ALIKE WEAPONS**

Any toy or model weapon that looks enough like an authentic weapon to be reasonably mistaken for one will be considered a look-alike weapon. Any student who represents a look-alike weapon to a staff member or another student as a real weapon and/or who uses it to intimidate, threaten, or harass someone will be treated as if he or she used a real weapon.

**EXCEPTIONS:**

- An exception may be made for students participating in an authorized curricular or extracurricular activity or team involving the use of firearms and to those persons listed in [KRS 527.070](#).
- Law enforcement officials, including peace officers and police as provided in [KRS 527.070](#) and [KRS 527.020](#), are authorized to bring weapons onto school property in the performance of their duties.

**STATE AND FEDERAL REQUIREMENTS REGARDING STUDENTS**

The penalty for students possessing a firearm at school or bringing a firearm or other deadly weapon, destructive device, or booby trap device to school or onto the school campus/property under jurisdiction of the District shall be placement in an alternative program or setting in lieu of expulsion for at least twelve (12) months under Board Policy 09.4341 and [KRS 158.150](#).<sup>1</sup>

Any student who possesses a firearm at school or brings to school a firearm or other deadly weapon, destructive device, or booby trap device shall be referred to the criminal justice or juvenile delinquency system.

## SCHOOL FACILITIES

05.48  
(CONTINUED)**Weapons****STATE POSTING REQUIREMENTS**

The Superintendent/designee shall post the following notice in prominent locations in the schools, including, but not limited to, sports arenas, gymnasiums, stadiums, and cafeterias. The notice shall be at least six (6) inches high and fourteen (14) inches wide and shall state:

UNLAWFUL POSSESSION OF A WEAPON ON SCHOOL PROPERTY IN KENTUCKY IS A FELONY PUNISHABLE BY A MAXIMUM OF FIVE (5) YEARS IN PRISON AND A TEN THOUSAND DOLLAR (\$10,000) FINE.<sup>1</sup>

The above criminal penalty shall not apply to those persons listed in [KRS 527.070](#) (3).

**STATE REPORTING REQUIREMENTS**

An employee of the District shall promptly make a report to the local police department, sheriff, or Kentucky State Police, by telephone or otherwise, if the employee knows or has reasonable cause to believe that conduct has occurred which constitutes the carrying, possession, or use of a deadly weapon on the school premises or within one thousand (1,000) feet of school premises, on a school bus, or at a school sponsored or sanctioned event.

For state reporting purposes, a deadly weapon shall be defined as:

1. a weapon of mass destruction;
2. any weapon from which a shot, readily capable of producing death or serious physical injury, may be discharged;
3. any knife other than an ordinary pocket knife or hunting knife;
4. billy, nightstick or club;
5. blackjack or slapjack;
6. nunchaku karate sticks;
7. shuriken or death star; or
8. artificial knuckles made from metal, plastic, or other similar hard material.

An employee who receives information from a student or other person regarding conduct required to be reported shall report the conduct in the same manner as stated above.

**ENFORCEMENT**

In the enforcement of this policy, a Principal may authorize, based on reasonable suspicion, searches in compliance with applicable Board policies.

SCHOOL FACILITIES

05.48  
(CONTINUED)

**Weapons**

**REFERENCES:**

<sup>1</sup>[KRS 527.070](#); [KRS 158.150](#); 20 U.S.C. §7141; (Gun-Free Schools Act); 18 U.S.C. §921(a)  
[KRS 158.4414](#)  
[KRS 158.154](#); [KRS 158.155](#), [KRS 158.4431](#)  
[KRS 160.290](#), [KRS 160.340](#), [KRS 161.790](#)  
[KRS 237.106](#); [KRS 237.110](#), [KRS 237.138](#) to [KRS 237.142](#)  
[KRS 500.080](#); [KRS 508.075](#), [KRS 508.078](#); KRS 527:020  
20 U.S.C. § 1400 et seq. Individuals with Disabilities Education Act (IDEA)  
Section 504 of the Rehabilitation Act of 1973, as amended

**RELATED POLICIES:**

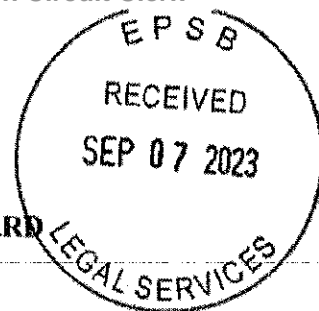
- 02.31
- 09.4341
- 09.436
- 09.4361

Adopted/Amended: 7/25/2023  
Order #: 2023-127

06350EAC-4E90-44DD-B3C6-02B7B0D2EE38 : 000027 of 000035

Presiding Judge: HON. SUSAN GIBSON (630269)

EXH : 000003 of 000003



COMMONWEALTH OF KENTUCKY  
KENTUCKY EDUCATION PROFESSIONAL STANDARDS BOARD  
AGENCY CASE NO. 20-061059  
CERTIFICATE NO. [REDACTED]

KENTUCKY EDUCATION PROFESSIONAL  
STANDARDS BOARD

PETITIONER

VS.

AGREED ORDER

DUAN WRIGHT

RESPONDENT

\* \* \* \* \*

Comes the Petitioner, the Kentucky Education Professional Standards Board (hereinafter "the Board"), by counsel, and the Respondent, Duan Wright (hereinafter "Wright"), *pro se*, and both parties being duly informed, state as follows:

1. Wright is a certified teacher in the Commonwealth of Kentucky, having been issued certificate number [REDACTED]

2. Pursuant to Kentucky Revised Statutes ("KRS") 161.120 and 161.028, the Board is authorized to issue and control all matters related to teacher certification not otherwise delegated to another agency in the Commonwealth. The Board has the statutory responsibility to protect the public from unprofessional conduct on the part of certified teachers and administrators.

3. By letter dated November 4, 2019, Dr. Martin Pollio, Superintendent of Jefferson County Public Schools notified the Board that Wright displayed a toy firearm and used inappropriate language to gain student compliance.

4. Wright maintains his innocence with regard to the specific allegations, he acknowledges that the evidence regarding the reported charges is such that, if presented at a hearing of this matter, could result in a finding that he is in violation of KRS 161.120 and 16 KAR 1:020, the Professional Code of Ethics for Kentucky School Certified Personnel.

5. Wright and the Board agree to address this matter by Agreed Order. After being signed by Wright, this Agreed Order shall be presented to the Board with a recommendation for approval from the Board's chief prosecuting attorney, or her designee, at the next scheduled meeting of the Board following receipt of the Agreed Order. The Agreed Order shall not become effective until it has been approved by a majority of the Board and signed by the chair of the Board.

Wright understands the Board is free to accept or reject this Agreed Order. Wright hereby agrees to waive any right he may have to challenge, based solely on the presentation of the Agreed Order to the Board, the impartiality of the Board to hear the administrative action if, after review by the Board, this Agreed Order is rejected.

If the Agreed Order is not accepted by the Board, it shall be regarded as null and void. Representations and/or admissions by Wright in this Agreed Order, or other settlement proposals, will not be regarded as evidence against Wright at any subsequent disciplinary hearing in this

matter. Wright shall be free to defend himself and no inference will be made against Wright for his willingness to enter into this Agreed Order.

6. Following review by the Board of the facts and circumstances associated with the case against Wright,

**IT IS HEREBY ORDERED THAT:**

Certificate number [REDACTED] is suspended beginning May 8, 2023 to July 8, 2023. Wright shall not perform certified duties during the suspension period.

By December 1, 2023, Wright shall provide written proof to the Board that he has completed a training under the heading of "Educator Ethics" on the attached pre-approved Board training list (Attachment A). Any expense incurred for said training shall be paid for by Wright. Certificate Number [REDACTED] shall be administratively suspended until such conditions are satisfied.

By December 1, 2023, Wright shall provide written proof to the Board that he has completed a training under the heading of "Classroom Management: Addressing Challenging Behaviors" on the attached pre-approved Board training list (Attachment A). Any expense incurred for said training shall be paid for by Wright. Certificate Number [REDACTED] shall be administratively suspended until such conditions are satisfied.

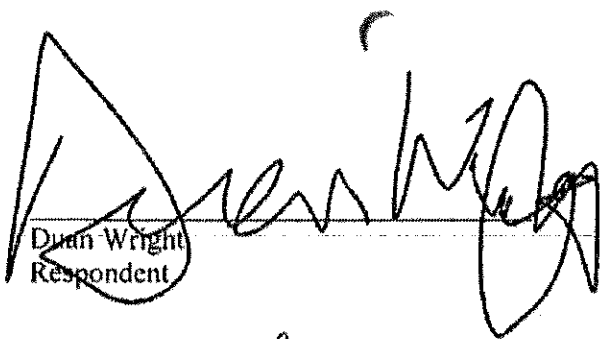
Upon acceptance of this agreement by the Board, Certificate Number [REDACTED] shall be subject to the following conditions for a period of five (5) years:

1. Wright shall not receive any disciplinary action related to inappropriate interactions with students from any school district in which he is employed. If Wright fails to satisfy this condition, Certificate Number [REDACTED] shall be automatically suspended pending Board review and disposition.


*"Disciplinary action" is defined as any termination, suspension, or public reprimand issued by any school district in the Commonwealth of Kentucky and upheld, if requested, by either a tribunal and/or arbitration process including any appeal therefrom. If the tribunal upholds the disciplinary action, the disciplinary action, if a termination, suspension or public reprimand shall be considered a violation of this condition.*

Wright is aware that should he violate KRS 161.120, either during or following this probationary period, the Board shall initiate new disciplinary action and seek additional sanctions.

By entering into this Agreed Order, Wright expressly acknowledges that he is fully and completely informed of the due process rights afforded under KRS 161.120 and KRS 13B and he knowingly, willingly and voluntarily agrees to waive those rights and enter into this Agreed Order.



Duan Wright  
Respondent



Hon. BreAnna Listermann  
Deputy General Counsel  
Education Professional Standards Board

Entered into this 7th day of September, 2023



Board Chair  
Education Professional Standards Board



### CIVIL SUMMONS

Plaintiff, **DIXON, KAMAE ET AL VS. JEFFERSON COUNTY BOARD OF EDUCATION E**, Defendant

**TO: PAIGE HARTSTERN  
3332 NEWBURG RD  
LOUISVILLE, KY 40218**

The Commonwealth of Kentucky to Defendant:

You are hereby notified that a **legal action has been filed against you** in this Court demanding relief as shown on the document delivered to you with this Summons. **Unless a written defense is made by you or by an attorney on your behalf within twenty (20) days** following the day this paper is delivered to you, judgment by default may be taken against you for the relief demanded in the attached complaint.

The name(s) and address(es) of the party or parties demanding relief against you or his/her (their) attorney(s) are shown on the document delivered to you with this Summons.

Jefferson Circuit Clerk

Date: 1/7/2025

### Proof of Service

This Summons was:

Served by delivering a true copy and the Complaint (or other initiating document)

To: \_\_\_\_\_

Not Served because: \_\_\_\_\_

Date: \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_ Served By

\_\_\_\_\_ Title



06350EAC-4E90-44DD-B3C6-02B7B0D2EE38 : 000031 of 000035

Presiding Judge: HON. SUSAN GIBSON (630269)

CI : 000001 of 000001



### CIVIL SUMMONS

*Plaintiff*, **DIXON, KAMAE ET AL VS. JEFFERSON COUNTY BOARD OF EDUCATION E**, *Defendant*

**TO: DUAN V WRIGHT**  
**621 E. BURNETT AVE**  
**LOUISVILLE, KY 40217**

The Commonwealth of Kentucky to Defendant:

You are hereby notified that a **legal action has been filed against you** in this Court demanding relief as shown on the document delivered to you with this Summons. **Unless a written defense is made by you or by an attorney on your behalf within twenty (20) days** following the day this paper is delivered to you, judgment by default may be taken against you for the relief demanded in the attached complaint.

The name(s) and address(es) of the party or parties demanding relief against you or his/her (their) attorney(s) are shown on the document delivered to you with this Summons.

Jefferson Circuit Clerk  
Date: **1/7/2025**

### Proof of Service

This Summons was:

Served by delivering a true copy and the Complaint (or other initiating document)

To: \_\_\_\_\_

Not Served because: \_\_\_\_\_

Date: \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Served By

\_\_\_\_\_  
Title







**CIVIL SUMMONS**

Plaintiff, **DIXON, KAMAE ET AL VS. JEFFERSON COUNTY BOARD OF EDUCATION E**, Defendant

**TO: MARTY POLIO**  
**3332 NEWBURG RD**  
**LOUISVILLE, KY 40218**

Memo: Related party is JEFFERSON COUNTY BOARD OF EDUCATION

The Commonwealth of Kentucky to Defendant:  
**JEFFERSON COUNTY BOARD OF EDUCATION**

You are hereby notified that a **legal action has been filed against you** in this Court demanding relief as shown on the document delivered to you with this Summons. **Unless a written defense is made by you or by an attorney on your behalf within twenty (20) days** following the day this paper is delivered to you, judgment by default may be taken against you for the relief demanded in the attached complaint.

The name(s) and address(es) of the party or parties demanding relief against you or his/her (their) attorney(s) are shown on the document delivered to you with this Summons.

Jefferson Circuit Clerk  
Date: **1/7/2025**

**Proof of Service**

This Summons was:

Served by delivering a true copy and the Complaint (or other initiating document)

To: \_\_\_\_\_

Not Served because: \_\_\_\_\_

Date: \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Served By

\_\_\_\_\_  
Title



06350EAC-4E90-44DD-B3C6-02B7B0D2EE38 : 000033 of 000035

Presiding Judge: HON. SUSAN GIBSON (630269)

CI : 000001 of 000001



### CIVIL SUMMONS

Plaintiff, **DIXON, KAMAE ET AL VS. JEFFERSON COUNTY BOARD OF EDUCATION E**, Defendant

**TO: MARTY POLIO**  
**3332 NEWBURG RD**  
**LOUISVILLE, KY 40218**

The Commonwealth of Kentucky to Defendant:

You are hereby notified that a **legal action has been filed against you** in this Court demanding relief as shown on the document delivered to you with this Summons. **Unless a written defense is made by you or by an attorney on your behalf within twenty (20) days** following the day this paper is delivered to you, judgment by default may be taken against you for the relief demanded in the attached complaint.

The name(s) and address(es) of the party or parties demanding relief against you or his/her (their) attorney(s) are shown on the document delivered to you with this Summons.

Jefferson Circuit Clerk

Date: 1/7/2025

### Proof of Service

This Summons was:

Served by delivering a true copy and the Complaint (or other initiating document)

To: \_\_\_\_\_

Not Served because: \_\_\_\_\_

Date: \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Served By

\_\_\_\_\_  
Title



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Presiding Judge: HON. SUSAN GIBSON (630269)

CI : 000001 of 000001



**Commonwealth of Kentucky**  
**David L. Nicholson, Jefferson Circuit Clerk**

**Case #:** 25-CI-000119

**Envelope #:** 9600730

**Received From:** JOHN SPALDING

**Account Of:** JOHN SPALDING

**Case Title:** DIXON, KAMAE ET AL VS. JEFFERSON COUNT **Confirmation Number:** 194051299

**BOARD OF EDUCATION E**  
 Filed On 1/7/2025 4:29:52PM

<b>#</b>	<b><u>Item Description</u></b>	<b><u>Amount</u></b>
1	Access To Justice Fee	\$20.00
2	Money Collected For Others(Court Tech. Fee)	\$20.00
3	Money Collected For Others(Jefferson Co. Sheriff)	\$60.00
4	Money Collected For Others(Postage)	\$59.16
5	Money Collected For Others(Attorney Tax Fee)	\$5.00
6	Money Collected For Others(Jefferson Electronic Service Copies)	\$3.30
7	Library Fee	\$3.00
8	Civil Filing Fee	\$150.00
9	Charges For Services(Copy - Photocopy)	\$9.60
<b>TOTAL:</b>		<u>\$330.06</u>

06350EAC-4E90-44DD-B3C6-02B7B0D2EE38 : 000035 of 000035