

**IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION**

**RICHARD YUENGLING** and Case No.  
**REBECCA YUENGLING**,  
individually and as parent  
guardians of their minor children,  
**H.Y and P.Y.**,

Plaintiffs,

vs.

**PASCO COUNTY SCHOOL BOARD,**  
**PASCO COUNTY SHERIFF'S OFFICE,**  
**KURT S. BROWNING**, individually and  
in his official capacity as Superintendent of  
Pasco County School District, **RAY GADD**,  
individually and in his official capacity as  
Deputy Superintendent of Pasco County School  
District, **CHRIS NOCCO**, individually and  
officially as Sheriff, **ERIC SELTZER**, **CHRIS JOYAL**,  
**STACEY JENKINS**, and **JEFF HARRINGTON**  
each individually and officially as Pasco County  
Sheriff's employees,

Defendants.

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**COMPLAINT FOR**  
**PRELIMINARY AND PERMANENT INJUNCTIVE RELIEF,**  
**DAMAGES, ATTORNEY'S FEES, AND DEMAND FOR JURY TRIAL**

COME NOW, Plaintiffs, **RICHARD YUENGLING** and **REBECCA YUENGLING**, Individually and as parent guardians of their minor children,

H.Y and P.Y., file this Complaint against the Defendants, PASCO COUNTY SCHOOL BOARD, PASCO COUNTY SHERIFF'S OFFICE, KURT S. BROWNING, individually and in his official capacity as Superintendent of Pasco County School District, RAY GADD, individually and in his official capacity as Deputy Superintendent of Pasco County School District, CHRIS NOCCO, individually and officially as Sheriff, ERIC SELTZER, CHRIS JOYAL, STACEY JENKINS, and JEFF HARRINGTON each individually and officially as Pasco County Sheriff's employees (together "Defendants") and state as follows:

1. This lawsuit arises from the coercion and coordinated retaliation directed against REBECCA YUENGLING and her husband RICHARD YUENGLING by officials of the PASCO COUNTY SCHOOL BOARD and school district and the PASCO COUNTY SHERIFF'S OFFICE. That retaliation, involving defendants' permanent removal of her two minor children, plaintiffs H.Y. and P.Y., from their local public school, arose in response to the exercise of protected free speech by REBECCA YUENGLING. As a result of exercising his protected right to petition the government for redress of these grievances, RICHARD YUENGLING also became a target of retaliation. Defendants went after a whole family.

### **Venue**

2. The actions complained of arose in Pasco County, within the Middle District of Florida.

3. All plaintiffs, and, on information and belief, all defendants, reside in Pasco County, Florida.

### **Jurisdiction**

4. Jurisdiction over the Plaintiff's claims arises under *42 U.S.C. § 1983* and Florida Law and is vested in this court by *28 U.S.C. §§ 1331* and *1343*. Plaintiffs respectfully submit that the related state claims arising out of the same transactions and occurrences give rise to pendent jurisdiction in this court.

### **Parties**

#### **Plaintiffs:**

5. REBECCA YUENGLING is the mother of the minor plaintiffs herein and the wife of RICHARD YUENGLING.

6. RICHARD YUENGLING, is the husband of REBECCA YUENGLING, and is the father of the minor plaintiffs herein. At all times

relevant to this complaint, he was employed as a sheriff's deputy in the Pasco County Sheriff's Department.

7. H.Y. and P.Y. are the minor children of RICHARD YUENGLING and REBECCA YUENGLING, and are students in the Pasco County School System who must leave their local zoned schools because of their mother's protected speech.

**Defendants:**

8. Defendants PASCO COUNTY SCHOOL BOARD and PASCO COUNTY SHERIFF'S OFFICE are government entities existing under and by virtue of the laws of the State of Florida. The Sheriff's office provides Deputy Sheriffs as school resource officers to the Pasco County School District.

9. Defendant KURT S. BROWNING has, at the times relevant to this complaint, been the Superintendent of Schools for the Pasco County School District. At all relevant times he was acting under color of state law and is being sued in both his individual and official capacity.

10. Defendant RAY GADD, is the Deputy Superintendent and second highest official in the Pasco County Schools. At all relevant times he

was acting under color of state law and is being sued in both his individual and official capacity.

11. Defendant CHRIS NOCCO is, and at all relevant times has been, the Sheriff of Pasco County, and acts through the PASCO COUNTY SHERIFF'S OFFICE. He was responsible for the overall supervision and evaluation of RICHARD YUENGLING and other members of the Pasco County Sheriff's Office. At all relevant times he was acting under color of state law and is being sued in both his individual and official capacity.

12. Defendant JEFF HARRINGTON is the Chief Deputy and second in command of the Pasco County Sheriff's Office. At all relevant times he was acting under color of state law and is being sued in both his individual and official capacity.

13. Defendant ERIC SELTZER is an employee of the Pasco County Sheriff's Office in the grade of Captain, under the supervision of the County Sheriff, Defendant CHRIS NOCCO, and was responsible for the supervision and evaluation of RICHARD YUENGLING. At all relevant times he was acting under color of state law and is being sued in both his individual and official capacity.

14. Defendant CHRIS JOYAL is an employee of the Pasco County Sheriff's Office in the grade of Lieutenant, and was responsible for the supervision and evaluation of RICHARD YUENGLING. At all relevant times he was acting under color of state law and is being sued in both his individual and official capacity.

15. Defendant STACEY JENKINS is an employee of the Pasco County Sheriff's Office in the grade of Major, under the supervision of the County Sheriff, Defendant CHRIS NOCCO, and was responsible for the supervision and evaluation of RICHARD YUENGLING. She at all relevant times was acting under color of state law and is being sued in both her individual and official capacity.

### **Factual Allegations**

16. On January 21, 2022, Defendant KURT S. BROWNING, Superintendent of the Pasco County Schools, sent a letter by email, on official Pasco County Schools letterhead, to REBECCA YUENGLING, informing her that because of her emails, phone calls, public statements and posts on social media, her child, Plaintiff H.Y. was being transferred out of their zoned public schools, effective January 26, 2022. This letter is attached hereto. **(Exhibit A)**

17. REBECCA YUENGLING was also informed that her youngest child P.Y. would not be permitted to enter his zoned high school upon graduation from 8<sup>th</sup> grade. **(Exhibit A)**

18. It is apparent from the face of the document itself that the actions taken against the Yuengling children by Defendant Browning were in retaliation against REBECCA YUENGLING's free speech concerning matters of public concern:

"Dear Mrs. Yuengling,

"Since the beginning of 2021-2022 school year, it has been evident that you are dissatisfied with Cypress Creek High School. Your voluminous emails (in excess of 500 pages), phone calls public statements and posts on social media are not only harassing in nature to administration and staff, but also disruptive to the learning environment for our students."

"Additionally, three employees, Ms. Kropik (Math), Ms. Floyd (World History), and Ms. Herzek (Criminal Justice), have sought circuit injunctions against you, all of which have been denied. Based on information received from Principal Hetzler-Nettles, your behavior has caused one of our math teachers to take leave and she has indicated that she will not be returning to the Pasco District. The continued false and outrageous allegations of wrongdoing by my employees can no longer continue." **(Exhibit A)**

19. Although the letter from defendant Browning claims that school employees previously attempted to secure injunctive relief regarding

REBECCA YUENGLING's free speech activities, a diligent search of the public court records on the Paso County clerk's website failed to reveal any such litigation.

20. The decision to re-assign the Yuengling children was made without any administrative or legal safeguards, or the possibility of review, violating their rights to due process and equal protection.

21. The Yuengling's were entitled to an appeal. The policy of the Pasco County Student Code of Conduct includes the Appeal Process and Appeal Rights of reassigned students and their parents, and states:

"Students that are subject to an assignment or re-assignment as the result of this process, and who disagree with the assignment or re-assignment will be afforded due process and have the right to request a hearing in front of an Independent Hearing Officer (IHO)."

A true and accurate copy of the Pasco County Student Code of Conduct, including appellate process and "appeal rights," is attached hereto. **(Exhibit B)**

22. According to the explicit terms of the Student Code of Conduct, the transfer is stayed, and the student is entitled to retain their current school assignment pending appeal. Under the heading of "Student Attendance During Appeal," the Student Code of Conduct specifically states that:



“The student will return to school (OSS) resume normal class attendance (ISS) or resume bus transportation pending the school level appeal”

The appeal process, as described in the Student Code of Conduct contains a variety of procedural rights, none of which were accorded to either H.Y., or P.Y. or their parents. **(Exhibit B)**

23. The minor Plaintiffs H.Y. and P.Y. were treated differently than other similarly situated students in the Pasco County Schools, by being denied the same due process rights applicable to all other students, as described in the Student Code of Conduct.

24. The retaliation carried out against REBECCA YUENGLING by the defendants has resulted in having a chilling effect on her and other parents in the exercise of her free speech rights.

25. On the evening of January 21, 2022, Plaintiff RICHARD YUENGLING lodged a formal appeal and request for a stay to school officials. The appeal request was emailed to KURT S. BROWNING and the following board members: Megan Harding, Allen Altman, Cynthia Armstrong, Colleen Beaudoin, and Allison Crumbley **(Exhibit C)**

26. On January 24, 2022, RICHARD YUENGLING received an email from school superintendent, Defendant KURT S. BROWNING, stating that

his decision to reassign Richard's daughter H.Y. to an out of zone school was "non-appealable." See attached. **(Exhibit D)**

27. On the same day, January 24, 2022, RICHARD YUENGLING also received an email from PASCO COUNTY SCHOOL BOARD Member Megan Harding again informing him that the decision was "not appealable." **(Exhibit E)**

28. Other than the two emails noted above, neither parent received any further information about the status of the appeal, or the required stay, which had been requested pending the administrative appeal.

29. On January 26th, 2022, H.Y. took her usual bus to Cypress Creek High School. Upon arrival she was escorted off the bus in tears by waiting school district officials and advised to call her parents to pick her up as she was no longer a student there.

30. School District officials escorted plaintiff H.Y. to a conspicuous place outside of the school gates, where she was forced to wait for her mother to remove her from the vicinity of the school.

31. Instead of taking the most direct route, or allowing her to wait inside, H.Y. was paraded, in what amounted to a humiliating "perp walk,"

witnessed by many members of the student body, including many of her friends.

32. H.Y., a fourteen year old girl, first year of high school was crying, and was visibly upset.

33. H.Y. remains excluded from Cypress Creek High School, and continues to be isolated from her friends, and to suffer a variety of harms as a result.

34. As a result of the acts of retaliation by the defendants herein, the Yuengling children have experienced anxiety, shame, humiliation, emotional harm and damage to their reputations.

35. On January 21, 2022, while RICHARD YUENGLING was at work at the Pasco County Courthouse, where he was employed as a Bailiff, he learned of Defendant Browning's email regarding his children.

36. RICHARD YUENGLING notified his immediate supervisor about the matter, who gave him the number for an attorney affiliated with the Fraternal Order of Police, who in turn referred him to Attorney Frances Warner Watkins. The supervisor told Richard he would assist Richard with the matter and relieved Richard early that day so that he could address the matter involving his children.

37. On January 25, 2022, plaintiff Richard filed an Emergency Motion and Complaint in Pasco County Court, filing the papers with the clerk while he was on an authorized break from work. **(Exhibit F)** The Motion was denied by the duty Judge, who ruled that it did not qualify as an emergency.

38. On January 31<sup>st</sup>, 2022, after completing work for the day, but before leaving the courthouse, Richard filed an Amended Motion Requesting an Expedited Hearing for Injunctive Relief. **(Exhibit G)**

39. Since RICHARD YUENGLING always changed his clothes after returning home, he was still in uniform when he filed the papers with the clerk.

40. At approximately 4pm, on January 31, 2022, process server Barry Roach arrived at the courthouse for the paperwork to serve the School Board and Superintendent Browning. RICHARD YUENGLING informed his supervisor, Defendant ERIC SELTZER, who was present, what he was doing. Standing next to ERIC SELTZER was Attorney Frances Warner Watkins. While talking to Defendant Seltzer, Attorney Watkins intervened and told Richard that he should not file a lawsuit with Superintendent Browning, Attorney Watkins further told RICHARD YUENGLING that

Defendant KURT S. BROWNING is a person Richard “shouldn’t mess with” because he was very connected and was a former Secretary of State under former Governor Charlie Christ.

41. Defendant ERIC SELTZER agreed and stated that RICHARD YUENGLING should focus on getting the children into Dayspring Academy. Dayspring Academy is a charter school where both Defendant ERIC SELTZER and Attorney Watkins volunteer on the board. Said school is funded in part by the Pasco County School District.

42. Attorney Watkins asked to view RICHARD YUENGLING’s motion, but Richard denied her request. However, Richard advised both the Defendant ERIC SELTZER and Attorney Watkins that it was not his intention to sue but to get his daughter back into her zoned school, because she was suffering severely with her mental health, and that, as her Father, he was trying to help her.

43. Just after the conversation, Richard handed the paperwork to process server Barry Roach that was to be served on the board and Superintendent on February 1, 2022.

44. On February 1, 2022, at approximately 4 pm, right after the board members had been served with the court papers seeking to keep H.Y.

at her local school, Plaintiff RICHARD YUENGLING was called into a room with Defendant CHRIS JOYAL and Defendant ERIC SELTZER. Seltzer advised RICHARD YUENGLING that effective February 2, 2022, he would be transferred to jail duty for an indefinite period of time.

45. Both Defendants Joyal and Seltzer refused to answer any of RICHARD YUENGLING'S questions, however Defendant Seltzer stated to him that "You are a smart person and you'll figure it out."

46. On February 4, 2022, intimidated by the previous conversations with Attorney Frances Warner Watkins, Captain ERIC SELTZER and Lt CHRIS JOYAL, and the demotion to jail duty, and fearful of future reprisals from defendant school and sheriff officials, RICHARD YUENGLING filed a voluntary discontinuance of the Florida action seeking to keep his daughter at her local school.

47. On February 22, 2022 Richard was advised that he was under an Internal Affairs investigation by a detective Jay Scott, report numbers IA 2022-006 (A) and IA 2022-006 (B) for doing personal business while in Uniform that started with the events on January 31, 2022, the day he spoke to Captain Seltzer, Attorney Francis Warner Watkins and provided the paperwork to Process Server Barry Roach.

48. The accusation that RICHARD YUENGLING had violated the rule against wearing his uniform while doing personal business was a mere pretext to provide apparent legitimacy for the retaliation being directed at him. There are numerous examples within the Sheriff's office of employees wearing their uniform, often in egregious situations, and yet who received no discipline, appearing as a party in family court, disputing traffic tickets, testifying in their own divorce proceedings, shopping for major purchases such as automobiles, handling banking transactions, and doing various errands. They also include numerous transactions with the county clerk, the exact thing that RICHARD YUENGLING did.

49. As part of the investigation, Plaintiff RICHARD YUENGLING agreed to proceed by being shown numerous videos, with one including him talking to Captain Seltzer and Attorney Watkins.

50. On or about March 15, 2022, RICHARD YUENGLING was called into the administration office at the jail and spoke with Lt Joyal and Captain Seltzer, who had advised him of the results of the Internal Affairs investigation. He was given a Letter of reprimand and Letter of counseling for violating General Order 26.1 2 Rules and regulations: A. Neglect of Duty Offenses, Failure to follow general orders and Specifically General Order

22.8 Certified Uniform and Personal Appearance. He was then told that his transfer to the jail would be permanent.

51. RICHARD YUENGLING had been a Bailiff assigned to the court for approximately 14 years, enjoyed an excellent reputation and had a good working relationship with the various judges and court personnel. His annual evaluations had been excellent during the twenty-two years that he had been employed as a deputy by the Pasco County Sheriff. He had never been the subject of any complaints, and was one of the most senior bailiffs assigned to the court.

52. RICHARD YUENGLING questioned the Defendant Captain ERIC SELTZER as to why he was being transferred and was told that it was because he “knew too much,” “knew his way around the courthouse too good” and because of “what happened.”

53. As with his children’s re-assignment to out of zone schools, RICHARD YUENGLING was told by Captain ERIC SELTZER that his permanent transition to jail duty was not disciplinary in nature. Richard disagreed and requested to appeal to the Major.

54. Major STACEY JENKINS declined RICHARD YUENGLING’s appeal, saying she would take Captain Seltzer’s recommendation.



55. RICHARD YUENGLING was afforded no other opportunity to challenge the actions taken against him, and it was clear to him that further attempts would be futile.

56. On March 21, 2022, RICHARD YUENGLING was called into the Captains office at the jail and signed an Acknowledgement of receipt of the internal affairs investigation report.

57. On March 25, 2022, Pasco County Sheriff Nocco announced that the Pasco County Jail will switch from Sheriff to County oversight, citing financial concerns as a reason for the change. The change is set to take effect October 1, 2022.

58. Under the circumstances presented, RICHARD YUENGLING believed that it was necessary for him to resign, in order to protect himself from the likelihood of additional adverse consequences and unfounded disciplinary complaints that could have placed his pension in jeopardy.

59. On May 10, 2022, believing that his employment was untenable RICHARD YUENGLING submitted his 2 weeks resignation letter, but requested to retire from the Sheriff's office and not FRS (Florida retirement system). He also requested to keep his gun and badge after 22 years of service pursuant to General Order 22.2 (f) retirement benefits.

60. Had RICHARD YUENGLING continued in his assignment at the county jail, he would have lost his status as a Deputy Sheriff, and been reclassified as a Corrections Officer, and faced other adverse consequences.

61. Defendant STACEY JENKINS made a notation that RICHARD YUENGLING did not qualify for General Order 22.2 (e) that refers to the Florida Retirement System requirement of 25 years' service. She also noted he did not qualify to keep his duty firearm after retirement because he was assigned to the jail. Additionally, his request for the Pasco Sheriff's ceremonial benefit was denied with Sheriff Nocco's signature.

62. There have been numerous examples of employees of the Pasco County Sheriff being allowed to retire, and being allowed to keep their gun and badge, and to receive the ceremonial benefits, without having the full 25 years of service under General Order 22.2 (e)

63. The forced retirement, and loss of benefits has placed RICHARD YUENGLING in a false light, and has impacted his reputation in the law enforcement community.

64. As can be seen from the allegations in the preceding paragraphs, it is clear that there was a concerted and coordinated effort to retaliate against RICHARD YUENGLING, and his wife REBECCA YUENGLING by

employees of both the Pasco County Sheriff's Office, and the Pasco County School District for the exercise of their constitutionally protected First Amendment rights.

65. The existence of a retaliatory conspiracy directed against the plaintiff's by the defendants herein is further demonstrated by the existence of two email messages obtained by the plaintiffs under the Florida Freedom of Information Act, clearly showing coordination between JEFF HARRINGTON the Chief Deputy and second in command of the Pasco County Sheriff's office, and his opposite number RAY GADD, who is the second highest official in the Pasco County Schools, which reveal that REBECCA YUENGLING was being monitored for her activities, which were protected by the First Amendment, and that were in no way criminal, or a proper subject for surveillance by police officials. **(Exhibit I)**

66. As a result of the foregoing, the plaintiff's constitutional rights have been violated, they are entitled to injunctive relief, and they have sustained damages that are compensable by a money judgment.

### COUNT ONE

(42 U.S.C. § 1983) Conspiracy to Retaliate against Plaintiffs for protected Speech and to Petition the Government For redress of Grievances  
(Against All Defendants)

67. Plaintiffs incorporate all of the preceding allegations by reference as if set forth in full.

68. The allegations contained in preceding paragraphs show a violation of the Federally Guaranteed First Amendment rights to Free Speech and to Petition the Government for Redress of Grievances, and the right to Equal Protection of the Law, perpetrated against the plaintiffs by the defendants herein.

69. The agreement among the defendants is shown by the obvious coordination among themselves, the statements that have been made by them, the draconian punishments that have been imposed for trivial accusations, and the acts made in furtherance of their plan of retaliation against the plaintiffs for exercising their First Amendment rights.

70. There have been actionable wrongs carried out against the plaintiffs herein, resulting in the deprivation of constitutionally protected rights, economic loss, emotional distress, and damage to reputation, all as alleged above.

## **COUNT TWO**

(42 U.S.C. § 1983) (First Amendment Speech: Retaliation against Plaintiff  
REBECCA YUENGLING)  
(Against Defendants Browning, School Board, Gadd)

71. Plaintiffs incorporate all of the preceding allegations by reference as if set forth in full.

72. REBECCA YUENGLING engaged in protected First Amendment activity when she made public statements and sent emails, as alleged by defendant KURT S. BROWNING.

73. Plaintiff REBECCA YUENGLING sustained a violation of her First Amendment right to free speech, by the named defendants herein, through their retaliation, against her and the members of her family, and the resulting chilling of her exercise of free speech rights.

74. Each and every defendant named herein was a government employee, and all of them were acting under color of state law.

### **COUNT THREE**

(42 U.S.C. § 1983) First Amendment Speech: Freedom to Petition & Retaliation against Plaintiff RICHARD YUENGLING  
(Against Defendants Sheriff's Office, Nocco, Seltzter, Joyal, Jenkins, Harrington)

75. Plaintiffs incorporate all of the preceding allegations by reference as if set forth in full.

76. RICHARD YUENGLING engaged in protected First Amendment activity when he filed a legal action to protect his daughter, because that legal action was brought as a petition to the government to redress grievances.

78. CHRIS NOCCO and the defendants employed in the PASCO COUNTY SHERIFF'S OFFICE retaliated against RICHARD YUENGLING for the exercise of protected First Amendment Rights, and constructively discharged him by deliberately making working conditions so intolerable that a reasonable person would have felt compelled to resign.

79. Defendant's exposed RICHARD YUENGLING to shame, obloquy and contempt in the law enforcement community when they declined his ceremonial benefits, and made it appear that he was a disreputable person, and subjected him to economic loss.

80. Each and every defendant named herein was a government employee, and all of them were acting under color of state law.

#### **COUNT FOUR**

##### **EQUAL PROTECTION CLAIM ON BEHALF OF MINOR PLAINTIFF'S H.Y. AND P.Y**

81. Plaintiffs incorporate all of the preceding allegations by reference as if set forth in full.

82. Through state action, carried out by defendant KURT S. BROWNING, and other employees of the PASCO COUNTY SCHOOL BOARD, the Minor Plaintiff's H.Y. and P.Y. have been treated disparately, and were intentionally treated differently that all other similarly situated students through being denied their due process rights as established by the PASCO COUNTY SCHOOL BOARD.

83. There was no rational basis for the denial of due process to H.Y. and P.Y.

84. The denial of due process by the defendants was done intentionally, and in furtherance of the retaliation being carried out against their mother, plaintiff REBECCA YUENGLING.

### **COUNT FIVE**

#### **(42 U.S.C. § 1983) Violation of Plaintiffs' Fourteenth Amendment Due Process Rights**

**(Against Defendants School Board, Browning, Gadd)**

85. Plaintiffs incorporate all of the preceding allegations by reference as if set forth in full.

86. The re-assignment of the Minor Plaintiffs H.Y. and P.Y. was done in violation of the 14<sup>th</sup> Amendment Right to Due Process of Law, and in violation of their constitutionally protected rights to liberty and property.

87. The violation of these constitutionally protected rights was done by officials and employees of the PASCO COUNTY SCHOOL BOARD, and constitutes State Action.

88. There was no notice and no opportunity to be heard, and the actions of KURT S. BROWNING and the PASCO COUNTY SCHOOL BOARD were capricious and arbitrary.

89. The actions of KURT S. BROWNING and the PASCO COUNTY SCHOOL BOARD bore no rational relationship to the procedural rules promulgated in the Student Code of Conduct (**Exhibit B**).

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**WHEREFORE**, the Plaintiffs respectfully request:

- (1) Temporary, preliminary and permanent injunctions restoring Plaintiffs H.Y. and P.Y. to their present and future zoned local schools.
- (2) Nominal damages.
- (3) From all Defendants, compensatory damages in an amount subject to proof, including emotional distress.
- (4) From Defendants, punitive damages in an amount subject to proof.
- (5) Attorneys' fees and costs pursuant to 42 U.S.C. § 1988, and pre- and post-judgment interest as allowed by law.
- (6) Such alternative or additional relief as is necessary, just or proper.

### **JURY TRIAL DEMAND**

Plaintiffs demand a trial by jury on all issues so triable.

Dated August 5, 2022.



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Pro Hac Vice Application

Pending

# EXHIBIT A



# Pasco County Schools

Kurt S. Browning, Superintendent of Schools

7227 Land O' Lakes Boulevard • Land O' Lakes, Florida 34638

January 21, 2022

Rebecca Yuengling  
23953 Terracina Court  
Land O' Lakes, FL 34639

Dear Mrs. Yuengling,

Since the beginning of the 2021-2022 school year, it has been evident that you are dissatisfied with Cypress Creek High School. Your voluminous emails (in excess of 500 pages), phone calls, public statements and posts on social media are not only harassing in nature to administration and staff, but also disruptive to the learning environment for our students.

Additionally, three employees, Ms. Kropik (Math), Mr. Floyd (World History), and Ms. Herzek (Criminal Justice), have sought circuit court injunctions against you, all of which have been denied. Based on information received from Principal Hetzler-Nettles, your behavior has caused one of our math teachers to take leave and she has indicated that she will not be returning to the Pasco District. The continued false and outrageous allegations of wrongdoing by my employees can no longer continue.

**Therefore, effective Wednesday, January 26, 2022, your child, Haley Yuengling, is reassigned to Sunlake High School, with transportation.** Please note, pursuant to School Board Policy 5120, *the Superintendent may assign or reassign students on a case-by-case basis to schools or programs other than that designated by the attendance area when the Superintendent or designee determine that such an exception is in the best educational interest of the child, or to prevent disruption of the educational environment, or otherwise promote the health, safety, or welfare of the student, other students, or staff.*

Your son, Preston Yuengling, will be permitted to remain at Cypress Creek Middle School through 8<sup>th</sup> Grade. Upon entering 9<sup>th</sup> Grade, he will be reassigned to Sunlake High School, as well. Should reassignment of your daughter cause any issues with having students on two separate campuses, I will, at your request, reassign your son to Charles S. Rushe Middle School, with transportation.

It is my sincere hope that this action will result in positive outcomes for all parties involved.

Kurt S. Browning  
Superintendent of Schools

## EXHIBIT B



***Assignment by Superintendent:***

In accordance with School Board Policy 5120, the Superintendent may assign or reassign students on a case-by-case basis to schools or programs other than that designated by the attendance area when the Superintendent or designee determine that such an exception is in the best educational interest of the child, or to prevent disruption of the educational environment, or otherwise promote the health, safety, or welfare of the student, other students, or staff.

Any assignment or reassignment of a student under School Board Policy 5120 or this provision is not disciplinary in nature, and any reassignments based on discipline must be performed in accordance with the "Disciplinary Reassignment" section, above. Superintendent assignments or reassignments can only be performed on a case-by-case basis, and must be supported by facts and circumstances that would support the assignment or re-assignment.

***Students that are subject to an assignment or re-assignment as the result of this process, and who disagree with the assignment or re-assignment will be afforded due process and have the right to request a hearing in front of an Independent Hearing Officer (IHO).*** To be upheld, the preponderance of the evidence must show and otherwise

support that the assignment or re-assignment is necessary and appropriate to promote the best educational interest of the child, or prevent disruption of the educational environment, or otherwise promote the health, safety, or welfare of the student, other students, or staff. The IHO may review the evidence provided by the Superintendent, or designee, and issue a decision if the parent/guardian waives their right to appeal, refuses to participate in a hearing or fails to appear for a scheduled meeting

**Student and Parent/Guardian Appeal Rights**

Parent/guardian rights during the discipline appeal process include, but are not limited to, the following:

- The parent/guardian and students over the age of eighteen (18) have the right to inspect any written, video or physical evidence that the school has used to make a disciplinary decision, said evidence will be provided to the parent by the school administration upon request
- The school will redact (remove any identifying names and/or information) from any requested evidence prior to providing said evidence to the parent
- Parents/guardians have the right to view any unredacted video evidence at the school with an administrator, parents will incur a cost for redaction if they are requesting a copy of said video evidence
- Parents/guardians have the right to provide a defense including, but not limited to: providing an explanation of the alleged disciplinary infraction, their own witness statements, their own copies of social media, etc.
- Parents/guardians may be represented by an attorney or advocate at their own expenses and must notify the school administration, superintendent or designee as soon as possible if they will be represented by an attorney
- The school administration, superintendent or designee has the right to inspect and question any evidence presented by the parent/guardian
- The recording of a non-public meeting involving students (including an EP or IEP Team meeting) is prohibited unless a parent, authorized representative of a parent, or team member, is unable to understand or meaningfully participate in the process or the planning of the relevant student's education due to a disability, language barrier, or some other impairment. (DSBPC 2461)

- The student will return to school (OSS), resume normal class attendance (ISS) or resume bus transportation

pending the school level appeal

- Students will return to school after their OSS has been completed if a disciplinary reassignment

recommendation is still pending

**• The Superintendent or designee may only ban a student from campus or the bus during formal appeal if the**

**student's presence poses an imminent threat of danger or risk of a major campus disruption as defined**

**elsewhere in this document, in such cases, the appeal shall be expedited**

- Suspension of extracurricular activities will remain in effect during the appeal

## EXHIBIT C



---

**From:** RICHARD YUENGLING <[ryng9@aol.com](mailto:ryng9@aol.com)>

**Sent:** 31 July 2022 22:44

**To:** Jonathan O'Brien <[jobrien@burnsobrienlaw.com](mailto:jobrien@burnsobrienlaw.com)>; arthur gallagher <[armyarty@hotmail.com](mailto:armyarty@hotmail.com)>

**Subject:** My full email requesting appeal to Superintendent & School Board

Good Evening,

Attached is my full email requesting an appeal with the School Board. Thank you Rich

Sent from my iPhone

Begin forwarded message:

**From:** [RYNG9@aol.com](mailto:RYNG9@aol.com)

**Date:** January 21, 2022 at 10:44:12 PM EST

**To:** [rebeccadepriest@aol.com](mailto:rebeccadepriest@aol.com)

**Reply-To:** [ryng9@aol.com](mailto:ryng9@aol.com)

Request Formal Immediate Appeal and immediate stay of my Daughter Haley Yuengling's Removal, Suspension, Disciplinary placement, and Expulsion from Cypress Creek High School.

Hello Pinal County Board Member

On January 21, 2022 my wife, Rebecca Yuengling received an email from what appears to be from Superintendent Kurt Browning. If the email was not sent by Mr Browning, please advise me. I didn't receive the email, however; I was able to read it. The email is attached. It is unquestionable that Mr Browning does not like my wife being vocal in the board meetings, at the school or even on her social media posts. Furthermore, if my wife believes she has credible information in reference to a federal case, it's up to the federal investigator to decide. Not me or the School Board. I would like to thank Colleen Beaudoin for her response, which was the same that I gave my wife. My wife has reached out to that federal investigator.

I have to say "Wow!" though, I am really shocked. In the email, it sounds like Mr. Browning wants to expel my wife from school. However, this shouldn't affect my daughter. My daughter has not committed any of the offenses that are listed under The Pacific School Policy Manual, section 5000, more specifically section 5610. My daughter should not be affected by my wife expressing her concerns. The decision to do so is also not properly ruled in board policy 5120. My daughter has done nothing wrong.

I know there is animosity between my wife, the School Principal and Mr. Browning. That is why we do plan to school choice my daughter next year. Removing her from her school now is extremely disruptive and will greatly impact her negatively. Furthermore, no child should be singled out for discipline merely based on the actions of a parent. If my daughter had a serious breach of conduct, I would totally understand removal from the school, but that's not the case. My daughter is extremely athletic and plans to try out for the Lacrosse team in the next couple of weeks. She has many friends and is a member of the National Junior Honor Society. My daughter also wants to be a K9 Deputy or Military K9 when she grows up, this will also disrupt her Criminal Justice class. I feel my daughter needs to learn from diverse teachers with varying views. I'm proud of how my daughter has learned to be professional and civil with teachers and students she disagrees with. My daughter's educational and career goal will be negatively impacted by abruptly changing schools with only a few months left. It is clearly not in the best interest of my daughter. I think it's best to collaborate with parents instead of making a unilateral decision. Working together to prevent such disruptions promotes the welfare of students, health, educational environment and staff. Moreover, my daughter has 2 parents, not just one.

I can understand that it's difficult times and trying to please people from all different political beliefs is a pretty much impossible task. Someone is always going to be upset. Many of you know me, some of you don't but I think you all know how difficult my job is. It's not easy dealing with the public and working numerous overtime hours due to staffing shortages. I still always do my best to be professional and civil even though there's always someone who wants to fight me.

I am responsible for my own decisions, as are my wife and children. It upsets me to say the least that my daughter is being held responsible for my wife's actions. Although you may or may not agree, my wife has the right to express her concerns that she feels are legitimate without having our children affected.

I respectfully request an immediate stay on my daughter's expulsion and transfer pending a formal board hearing on this matter,

Thank you for reading this email

Respectfully,

Richard Yuengling, Haley Yuengling's father

## EXHIBIT D

January 24, 2022 at 2:29 PM

# School Reassignment

Mr. Yuengling:

Thank you for your email on Friday night, January 21, 2022, regarding the placement of your daughter, Haley Yuengling, at Sunlake High School. While my decision to administratively reassign your daughter to Sunlake High School is a non-appealable decision, I would like to offer the opportunity for you to meet with Principal Hetzler-Nettles, my staff and me to discuss the events that lead to this decision being made.

Please let Marsha Rux know if you would like to schedule time for you to meet. Mrs. Rux's number is [813-794-2650](tel:813-794-2650). Sunlake High School looks forward to welcoming your daughter on Wednesday, January 26<sup>th</sup>.

Kurt S. Browning  
Pasco County Superintendent of Schools



## EXHIBIT E



From: **Megan Harding** >

To: [ryuengling75@gmail.com](mailto:ryuengling75@gmail.com) >

January 24, 2022 at 9:51 AM



**Re: Request Formal Immediate Appeal and immediate stay of my Daughter Haley Yuengling's Removal, Suspension, Disciplinary placement, and Expulsion from Cypress Creek High School.**

Good morning,

Thank you for your email. I have forwarded this along to school board counsel. It is my understanding that the school assignment is not appealable to the board.

Thank you,

Megan Harding

Pasco County School Board Member, District 5

[\(813\)- 576-8141](tel:(813)576-8141)



## EXHIBIT F



**IN THE CIRCUIT COURT OF THE 6TH JUDICIAL CIRCUIT**

**PASCO COUNTY, FLORIDA**

**CIVIL ACTION**

RICHARD A YUENGLING, OBO

HALEY YUENGLING AND PRESTON YUENGLING

Plaintiff,

CASE NO: 2022CA199WS

G

v.

Kurt S. Browning, Allen Altman, Colleen Beaudoin, Cynthia Armstrong, Alison Crumbley, Megan Harding, individual and Pasco County School District, Pasco County School Board and Pasco County School Superintendent

Filed for Record  
Pasco County, Florida  
2022 JAN 25 AM 1:35  
Clerk of Court  
Pasco County, Florida

**EMERGENCY MOTION AND COMPLAINT FOR INJUNCTIVE RELIEF,  
DAMAGES, TIME TO RETAIN COUNSEL AND OTHER STATUTORY RELIEF**

Plaintiff, RICHARD A YUENGLING, OBO HALEY YUENGLING AND PRESTON YUENGLING  
sues defendants, Kurt S. Browning, Allen Altman, Colleen Beaudoin, Cynthia Armstrong,  
Alison Crumbley, Megan Harding, individual and Pasco County School District, Pasco  
County School Board and Pasco County School Superintendent, an individual,  
collectively referred to herein as “Defendants” and alleges:

**JURISDICTION AND VENUE**

1. This is an action for Emergency injunctive and other statutory relief, brought pursuant  
to the following statutes:

- (a) Fla. Stat. Ann. § 1006.09(2)
- (b) Fla. Stat. Ann. § 1006.09 (West).
- (c) Fla. Stat. 1003.32, 1006.07
- (d) 419 U.S. 565, 95 S.Ct. 729, 42 L.Ed.2d 725 (1985) U.S. Supreme Court  
(1) the Supreme Court held that a student facing suspension from a public school has



property and liberty interests that qualify for protection under the due process clause of the Fourteenth Amendment. Goss, 95 S.Ct. at 736.

In Goss nine students were suspended from high school without a hearing. The suspensions were based upon disruptive or disobedient conduct. The court commented that the fundamental requisite of due process is the opportunity to be heard and declared that at the very minimum, students facing suspension must be given some kind of notice and afforded some kind of hearing. Goss, 95 S.Ct. at 738.

The court noted, however, that interpretation and application of due process are intensely practical matters which negate any concept of inflexible procedures universally applicable to every imaginable situation. Goss, 95 S.Ct. at 738. The timing and content of the notice and the nature of the hearing depends upon the appropriate accommodation of the competing interests. Goss, 95 S.Ct. at 738–39.

After Goss, it became clear that due process in student disciplinary proceedings requires adequate notice, an opportunity to be heard, and substantial evidence to support the penalty. There are, however, no hard and fast rules by which to measure meaningful notice. Nash v. Auburn Univ., 812 F.2d 655 (11th Cir.1987).

The due process requirement of an administrative proceeding is that the proceeding must be “essentially fair”. See Gordon v. Savage, 383 So.2d 646 (Fla. 5th DCA 1980).

2. This court has subject matter jurisdiction pursuant to the provisions of Florida Statutes
3. All actions material to the complaint have occurred within one (1) year of the filing this Action.
4. The statutory violations alleged herein occur in or in the 6th judicial circuit in the State of Florida, including Pasco County
5. This matter comes to the court as an emergency motion as the Decision made by Kurt S. Browning takes effect tomorrow, January 26, 2022. Plaintiff has not recieved proper notice, other than an informal e-mail on Januray 24th 2022 and an email sent to Plaintiff's wife, Rebecca Yuengling on January 21, 2022. Plaintiff has right to be served, due process rights, rights to Counsel and appeal rights.
6. Venue is proper in Pasco County, Florida

#### **EMERGENCY MOTION FOR INJUNCTIVE RELIEF REQUEST**

1. Plaintiff formally requests the court to stay the Decision made January 21, 2022 by Kurt S. Browning, Superintendent Pasco County Schools, Removing, expelling and reassigning the Plaintiff from their zoned school.

(a) Statement of fact: Plaintiff Preston Yuengling has no previous or pending disciplinary actions.

(b) Statement of Fact: Haley Yuengling has no current disciplinary actions pending. The only disciplinary action against Haley Yuengling that i'm aware of is in regards to a phone policy violation sending a text to her mother regarding a medical issue.

(c) Both Plaintiff's Haley Yuengling and Preston Yuengling are attending Pasco County Schools in good standing.

(d) Plaintiff Haley Yuengling is extremely depressed over the possiblity of moving from her zoned school. On 1/24/2022 Haley Yuengling made the Lacrosse team at Cypress Creek High School. Haley has many friends and is a member of the USAG and AAU gymnastics league. She is well rounded and actively participates in her Church youth group. Haley wants to be a K9 Deputy or Military K9 when she grows up. Defendant Mr Bowning's decision without consulting Plaintiff will also disrupt Plaintiff's Criminal Justice class progress this year. The class is not offered at the transfer school and disrupts the Educational and Career goals of Plaintiff. Plaintiff Haley requests that she remain at Cypress Creek High this year as she has done nothing wrong. Removing Plaintiff from school and reassignment will cause permanent irreparable harm, as Plaintiff Haley feels she is being being punished for doing nothing wrong. Plaintiff Preston also feels that he is being punished as he has done nothing wrong as well. Plaintiff Richard Yuengling attempts to appeal have met with negative results. On 1/24/2022 Defendant Kurt S. Browning sent an email to Plaintiff Richard Yuengling stating its a "Non-appealable decision" On Defendant's decision (Kurt Browning) is not in the best interest of Plaintiff as it disruptions the welfare of students, health, educational environment. The only basis for removal are due to Plaintiff's wife Rebecca Yuengling's email's to the school, school board, public comments and social media posts.

(e) No Disciplinary action is alleged against Haley Yuengling or Preston Yuengling in any Email/order from Kurt Browning

### **PLAINTIFFS**

7. Plaintiff is Parent of minor children Haley Yuengling and Preston Yuengling, and is authorized to bring this action and seek injunctive relief. Plaintiff has property and liberty interests that qualify for protection under the due process clause of the Fourteenth Amendment. Goss, 95 S.Ct. at 736

8. The due process requirement of an administrative proceeding is that the proceeding must be "essentially fair". See Gordon v. Savage, 383 So.2d 646 (Fla. 5th DCA 1980).

### **DEFENDANTS**

**Kurt S. Browning, Allen Altman, Colleen Beaudoin, Cynthia Armstrong, Alison Crumbley, Megan Harding, individual and Pasco County School District, Pasco County School Board and Pasco County School Superintendent**

Pasco Schools is a non profit organization, Employer Identification Number: 596000792  
Kurt S. Browning is Superintendant, Allen Altman, Colleen Beaudoin, Cynthia  
Armstrong, Alison Crumbley, Megan Harding are on the District School Board of Pasco  
County.

9. Pasco County Schools does business at the following location:

7227 Land O Lakes Blvd Land O' Lakes, FL 34638

**STATEMENT OF FACTS AND**  
**DEFENDANTS' COURSE OF CONDUCT**

10. On January 21, 2022 Defendant Kurt S. Browning, Superintendent of Pasco Schools  
emailed Rebecca Yuengling an Action on Official Letterhead of " Pasco County Schools"

"Effective Wednesday, January 26, 2022, your child, Haley Yuengling is reassigned to  
Sunlake High School, with transportation." Please note, pursuant to School Board Policy  
5120, the Superintendent may assign or reassign students on a case-by case basis to  
schools or programs other than that designated by the attendance area when the  
Superintendent or designee determine that such an exception is in the best educational  
interest of the child, or to prevent disruption of the educational environment, or otherwise  
promote the health, safety, or welfare of the student, other students, or staff."

"Your Son, Preston Yuengling, will be permitted to remain at Cypress Creek Middle  
through 8th Grade. Upon entering 9th Grade, he will be reassigned to Sunlake High  
School, as well. Should reassignment of your daughter cause any issues with having  
students on two seperate campuses, I will, at your request, reassign your son to Charles S.  
Rushe Middle School, With Transportation"

11. Defendant's Browning notice to my wife did not include:

- The reasons for the children to be moved and any allegations of disruptive behavior by  
Plaintiff Haley Yuengling or Preston Yuengling.

- The right of the student or parent/legal guardian to appeal to the Board or its designee;  
and

- The student's right to be represented in all appeal proceedings.

12. Defendant Browning's notice did include:

- Complaints about Plaintiff's wife social media posts

- Complaints about public statements made by Plaintiff's wife

- Complaints about emails by Plaintiff's wife were voluminous

- Complaints about court cases dismissed because of no merit by the Pasco Clerk of Court

13. The above-described acts and practices of Defendants have injured and will likely continue to injure and prejudice the Plaintiff and the public.

14. Unless the Defendants are permanently enjoined from engaging further in the acts and practices complained of herein, the continued activities of the Defendants will result in irreparable injury to the Plaintiff and public for which there is no adequate remedy at law

(a) Injunctive relief is sought against defendants for violations of the 14th Amendment, Fla. Stat. 1003.32, 1006.07, Fla. Stat. Ann. § 1006.09(2), Fla. Stat. Ann. § 1006.09 (West).

15. Pasco County Board Member repounded in email " It is my understanding school assignment is not appealable to the board"

**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff, Richard Yuengling, OBO Haley and Preston Yuengling respectfully requests that this Court grant:

16 .Assess civil penalties against Defendants, in the amount of \$10,000 for each violation of Fl statutes.

17. Injunctive relief against the Defendants for violations of the 14th amendment and Florida Satutes.

18. Award the Plaintiff and costs pursuant to the law

19. Award such other relief as the interests of justice shall require and that this Honorable Court may deem just and proper.

Respectfully Submitted,  
Richard Yuengling,

23953 TERRACINA CT  
LAND O LAKE, FL 34639



## Pasco County Schools

Kurt S. Browning, Superintendent of Schools  
7227 Land O' Lakes Boulevard • Land O' Lakes, Florida 34638

January 21, 2022

Rebecca Yuengling  
23953 Terracina Court  
Land O' Lakes, FL 34639

Dear Mrs. Yuengling,

Since the beginning of the 2021-2022 school year, it has been evident that you are dissatisfied with Cypress Creek High School. Your voluminous emails (in excess of 500 pages), phone calls, public statements and posts on social media are not only harassing in nature to administration and staff, but also disruptive to the learning environment for our students.

Additionally, three employees, Ms. Kropik (Math), Mr. Floyd (World History), and Ms. Herzek (Criminal Justice), have sought circuit court injunctions against you, all of which have been denied. Based on information received from Principal Hietzler-Nettes, your behavior has caused one of our math teachers to take leave and she has indicated that she will not be returning to the Pasco District. The continued false and outrageous allegations of wrongdoing by my employees can no longer continue.

Therefore, effective Wednesday, January 26, 2022, your child, Haley Yuengling, is reassigned to Sunlake High School, with transportation. Please note, pursuant to School Board Policy 3120, *the Superintendent may assign or reassign students on a case-by-case basis to schools or programs other than that designated by the attendance area when the Superintendent or designee determines that such an exception is in the best educational interest of the child, or to prevent disruption of the educational environment, or otherwise promote the health, safety, or welfare of the student, other students, or staff.*

Your son, Preston Yuengling, will be permitted to remain at Cypress Creek Middle School through 8<sup>th</sup> Grade. Upon entering 9<sup>th</sup> Grade, he will be reassigned to Sunlake High School, as well. Should reassignment of your daughter cause any issues with having students on two separate campuses, I will, at your request, reassign your son to Charles S. Rushe Middle School, with transportation.

It is my sincere hope that this action will result in positive outcomes for all parties involved.

Kurt S. Browning  
Superintendent of Schools

# EXHIBIT G

**IN THE CIRCUIT COURT, THE SIXTH JUDICIAL CIRCUIT IN AND FOR  
PASCO COUNTY, FLORIDA  
CIVIL ACTION**

**RICHARD A YUENGLING, OBO**

**HALEY YUENGLING AND PRESTON YUENGLING**

Plaintiff,

CASE NO: 2022CA199WS

**vs.**

**Pasco County School District, et al.,**

**Kurt Browning** Pasco County School Superintendent

and Defendant (s),

**AMMENDED MOTION REQUESTING AN EXPEDITED HEARING FOR  
INJUNCTIVE RELIEF**

**JURISDICTION AND VENUE**

1. This is an expedited action for an injunctive and other statutory relief, brought pursuant to the following statutes:

(a) Fla. Stat. Ann. § 1006.09(2)

(b) Fla. Stat. Ann. § 1006.09 (West).

(c) Fla. Stat. 1003.32, 1006.07

(d) 419 U.S. 565, 95 S.Ct. 729, 42 L.Ed.2d 725 (1985) U.S. Supreme Court

(1) the Supreme Court held that a student facing suspension from a public school has property and liberty interests that qualify for protection under the due process clause of the Fourteenth Amendment. Goss, 95 S.Ct. at 736.

In Goss nine students were suspended from high school without a hearing. The suspensions were based upon disruptive or disobedient conduct. The court commented that the fundamental requisite of due process is the opportunity to be heard and declared that at the very minimum, students facing suspension must be given some kind of notice and afforded some kind of hearing. Goss, 95 S.Ct. at 738.

The court noted, however, that interpretation and application of due process are intensely practical matters which negate any concept of inflexible procedures universally applicable to every imaginable situation. Goss, 95 S.Ct. at 738. The timing and content of the notice and the nature of the hearing depends upon the appropriate accommodation of the competing interests. Goss, 95 S.Ct. at 738–39.

After Goss, it became clear that due process in student disciplinary proceedings requires adequate notice, an opportunity to be heard, and substantial evidence to support the penalty. There are, however, no hard and fast rules by which to measure meaningful notice. Nash v. Auburn Univ., 812 F.2d 655 (11th Cir.1987).

The due process requirement of an administrative proceeding is that the proceeding must be “essentially fair”. See Gordon v. Savage, 383 So.2d 646 (Fla. 5th DCA 1980).

2. This court has subject matter jurisdiction pursuant to the provisions of Florida Statutes
3. All actions material to the complaint have occurred within one (1) year of the filing this Action.
4. The statutory violations alleged herein occur in or in the 6th judicial circuit in the State of Florida, including Pasco County
5. This matter comes to the court as an Expedited motion as the Decision made by Kurt S. Browning taken effect on January 26, 2022. Plaintiff has not received proper notice, other than an informal e-mail on January 24th 2022 and an email sent to Plaintiff's wife, Rebecca Yuengling on January 21, 2022. Plaintiff has right to be served, due process rights, rights to Counsel and appeal rights.
6. Venue is proper in Pasco County, Florida

### **EXPEDITED MOTION FOR INJUNCTIVE RELIEF REQUEST**

1. Plaintiff formally requests the court to stay the Decision made January 21, 2022 by Kurt S. Browning, Superintendent Pasco County Schools, Removing, expelling and reassigning the Plaintiff(s) from their zoned school.

(a) Statement of fact: Plaintiff Preston Yuengling has no previous or pending disciplinary actions.

(b) Statement of Fact: Haley Yuengling has no current disciplinary actions pending. The only disciplinary action against Haley Yuengling that i'm aware of is in regards to a phone policy violation sending a text to her mother regarding a medical issue.

(c) Both Plaintiff's Haley Yuengling and Preston Yuengling are attending Pasco County Schools in good standing.

(d) Plaintiff Haley Yuengling is extremely depressed over the transfer moving her from her zoned school. On 1/26/2022, Plaintiff Haley Yuengling was transferred to Sunlake High School



without parent permission. On 1/24/2022 Haley Yuengling made the Lacrosse team at Cypress Creek High School. Haley has many friends she has known for 9 years at Cypress Creek High School. She is a member of the USAG and AAU gymnastics league. She is well rounded and actively participates in her Church youth group. Haley wants to be a K9 Deputy or Military K9 when she grows up. Defendant Mr Browning's decision without consulting Plaintiff will also disrupt Plaintiff's Criminal Justice class progress this year. The class is not offered at the transfer school and disrupts the Educational and Career goals of Plaintiff. Plaintiff Haley requests that she remain at Cypress Creek High this year as she has done nothing wrong. Removing Plaintiff from school and reassignment will cause permanent irreparable harm, as Plaintiff Haley feels she is being punished for doing nothing wrong. Plaintiff Haley stated that "It's like removing me from my home with my family and putting me in another home with a strange family I don't know" Plaintiff Preston also feels that he is being punished as he has done nothing wrong as well. Plaintiff Richard Yuengling attempts to appeal have met with negative results. On 1/24/2022 Defendant Kurt S. Browning sent an email to Plaintiff Richard Yuengling stating its a "Non-appealable decision" Defendant's decision (Kurt Browning) is not in the best interest of Plaintiff as it disruptions the welfare of students, health, and educational environment. The only basis for removal are due to Plaintiff's wife Rebecca Yuengling's email's to the school, school board, public comments and social media posts.

(e) No Disciplinary action is alleged against Haley Yuengling or Preston Yuengling in any Email/order from Kurt Browning

#### **PLAINTIFFS**

7. Plaintiff is Parent of minor children Haley Yuengling and Preston Yuengling, and is authorized to bring this action and seek injunctive relief. Plaintiff has property and liberty interests that qualify for protection under the due process clause of the Fourteenth Amendment. Goss, 95 S.Ct. at 736

8. The due process requirement of an administrative proceeding is that the proceeding must be "essentially fair". See Gordon v. Savage, 383 So.2d 646 (Fla. 5th DCA 1980).

#### **DEFENDANTS**

**Kurt S. Browning, Allen Altman, Colleen Beaudoin, Cynthia Armstrong, Alison Crumbley, Megan Harding, individual and Pasco County School District, Pasco County School Board and Pasco County School Superintendent**

Pasco Schools is a non profit organization, Employer Identification Number: 596000792 Kurt S. Browning is Superintendent , Allen Altman, Colleen Beaudoin, Cynthia Armstrong, Alison Crumbley, Megan Harding are on the District School Board of Pasco County.

9. Pasco County Schools does business at the following location:

7227 Land O Lakes Blvd Land O' Lakes, FL 34638

#### **STATEMENT OF FACTS AND DEFENDANTS' COURSE OF CONDUCT**

10. On January 21, 2022 Defendant Kurt S. Browning, Superintendent of Pasco Schools emailed Rebecca Yuengling an Action on Official Letterhead of " Pasco County Schools"

“ Dear Mrs Yuengling,

Since the beginning of 2021-2022 school year, it has been evident that you are dissatisfied with Cypress Creek High School. Your voluminous emails (in excess of 500 pages), phone calls public statements and posts on social media are not only harassing in nature to administration and staff, but also disruptive to the learning environment for our students.”

“Additionally, three employees, Ms Kropik (Math), Ms. Floyd (World History), and Ms. Herzek(Criminal Justice), have sought circuit injunctions against you, all of which have been denied. Based on information received from Principal Hetzler-Nettles, your behavior has caused one of our math teacher to take leave and she has indicated that she will not be returning to the Pasco District. The continued false and outrageous allegations of wrongdoing by my employees can no longer continue.”

"Effective Wednesday, January 26, 2022, your child, Haley Yuengling is reassigned to Sunlake High School, with transportation." Please not, pursuant to School Board Policy 5120, the Superintendent may assign or reassign students on a case-by case basis to schools or programs other than that designated by the attendance area when the Superintendent or designee determine that such an exception is in the best educational interest of the child, or to prevent disruption of the educational environment, or otherwise promote the health, safety, or welfare of the student, other students, or staff."

"Your Son, Preston Yuengling, will be permitted to remain at Cypress Creek Middle through 8th Grade. Upon entering 9th Grade, he will be reassigned to Sunlake High School, as well. Should reassignment of your daughter cause any issues with having students on two separate campuses, I will, at your request, reassign your son to Charles S. Rushe Middle School, With Transportation"

11. Defendant's Browning notice to my wife did not include:

- The reasons for the children to be moved and any allegations of disruptive behavior by Plaintiff Haley Yuengling or Preston Yuengling.
- The right of the student or parent/legal guardian to appeal to the Board or its designee; and
- The student's right to be represented in all appeal proceedings.

12. Defendant Browning's notice did include:

- Complaints about Plaintiff's wife social media posts
- Complaints about public statements made by Plaintiff's wife
- Complaints about emails by Plaintiff's wife were voluminous
- Complaints about court cases dismissed because of no merit by the Pasco Clerk of Court

13. The above-described acts and practices of Defendants have injured and will likely continue to injure and prejudice the Plaintiff and the public.

14. Unless the Defendants are permanently enjoined from engaging further in the acts and practices complained of herein, the continued activities of the Defendants will result in irreparable injury to the Plaintiff and public for which there is no adequate remedy at law

(a) Injunctive relief is sought against defendants for violations of the 14th and 1<sup>st</sup> Amendment, Fla. Stat. 1003.32, 1006.07, Fla. Stat. Ann. § 1006.09(2), Fla. Stat. Ann. § 1006.09 (West).

15. Pasco County Board Member responded in email " It is my understanding school assignment is not appealable to the board"

### **PRELIMINARY INVESTIGATION RESULTS**

16. A review of the voluminous emails (in excess of 500 pages) indicate many, if not most of the pages are attachments. Most of which appear to be sent to and received from Pasco Schools district Staff. Plaintiff is unable to verify voluminous e-mails to the staff or teachers at Cypress Creek high school. The attachments sent to or received from the Pasco School district include numerous pages from Equal Opportunity Schools, The New Teacher's Project (TNTP) Bathroom policies, Teacher's curriculum, curriculum challenges, contracts and training.

17. Public statements and social media posts. The First Amendment protects individuals from government censorship. Social media platforms are private companies, and can censor what people post. Plaintiff's wife, Rebecca Yuengling has never been charged, or accused of any violation of Florida Statute 877.03 Breach of the peace or disorderly conduct. In Fact, a diligent search on the public website Pasco County Clerks revealed no criminal history.

18. "Three employees, Ms Kropik (Math), Ms. Floyd (World History), and Ms. Herzek(Criminal Justice), have sought circuit injunctions against you" A diligent search of the Pasco Clerks website has revealed that there was nothing filed by any of three teachers, in fact nothing exists, no petition, no hearing or case number can be found. This is concerning to plaintiff because Mr Browning used this as a cause for removal of Haley and Preston Yuengling from Cypress Creek High School. Florida Statute 784.0485 allows certain persons to petition for an injunction for protection against stalking. According to Florida criminal law, stalking is defined as when someone willfully (intentionally), maliciously, and repeatedly follows, harasses, or cyberstalks another person.

(a) "Harass" means to engage in a course of conduct directed at a specific person that causes substantial emotional distress in such person and serves no legitimate purpose. The threat must be against the life of, or a threat to cause bodily injury to, a person. A preliminary review of Rebecca Yuengling's emails reveal no such threats were made to any staff at Cypress Creek high school, teachers or staff at the Pasco County District office. Defendant has not specified what 'The continued false and outrageous allegations of wrongdoing by my employees' are.

(b) Ms. Kropik is no longer employed by the Pasco School District

(c) Plaintiff Haley Yuengling likes Ms. Floyd, she stated she is nice and is quiet in class.

- (d) Plaintiff Haley Yuengling likes Ms Herzek, she stated she is a nice person. Haley feels Some of the questions in her class were weird, hence the curriculum challenges.

**RELIEF FOR DEFENDANT(S)**

19. Plaintiff Richard Yuengling, will, in the best interest of Haley & Preston Yuengling intervene, all contact with Cypress Creek High School, including but not limited to emails, phone calls and the school's social media platform go threw him. In the event of any emergencies the school will contact Richard Yuengling first. If contact is unable to be made the School SRO can contact Rebecca Yuengling in the event of an emergency. Plaintiff's wife Rebecca Yuengling has agreed to this in the best interest of Haley & Preston Yuengling

**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff, Richard Yuengling, OBO Haley and Preston Yuengling respectfully requests that this Court grant:

- 20 .Assess civil penalties against Defendants, in the amount of \$10,000 for each violation of Federal and Florida statutes.
21. Injunctive relief against the Defendants.
22. Relief for violations of the 14th and 1<sup>st</sup> amendment and Florida statutes.
23. Award the Plaintiff and costs pursuant to the law
24. Award such other relief as the interests of justice shall require and that this Honorable Court may deem just and proper.

Respectfully Submitted,  
Richard Yuengling,

---

23953 Terracina Ct  
Land O Lakes, Fl 34639

# EXHIBIT H



DW

Deputy Lane >

Text Message  
Mon, Feb 7, 10:38 AM

Hey Rich, it's Winters. They assigned me to Riba. There are several of your items still in the office. Are you planning on picking that stuff up? Do you want me to put it in those boxes that are in there? No rush as I do not intend to bring in any personal items myself, I just want your things to be secure. Sorry you exited in this manner as well brother.

Well, according to the jail this is temporary. I wasn't told I was in trouble for anything either. Captain said I could leave my stuff...so I'm confused

Ok, the way it was explained to me it was permanent, your stuff is safe with me until you find out for sure. As I said I have no plans to bring anything of mine in anyways.

# EXHIBIT I

Sent: 12/16/2021 12:00:00 AM  
 From: Raymond E. Gadd <Gadd@pasco.k12.fl.us>  
 To: "Jeffrey"  
 Cc:  
 Bcc:  
 Importance: Normal  
 Subject: RE: Ray Gadd

Colonel Harrington my original intent in sending this email was to determine the status of the kyle Ritsema case. However, after further review of this email, sent to my boss and school board members, Mrs. Yuengling has accused me of assault not only against her but also the victims of abuse at Cypress Creek High School. To my knowledge no child at CCHS has come forward as a victim. Nor do I believe I assaulted anyone. My behavior at this meeting is on video and Officer Oakley was behind me at all times including the time I was looking into the audience. She has accused me of criminal conduct. I don't know if this is something that can be investigated but I would like her assertion that I assaulted her and others investigated and I am happy to cooperate in any way that is deemed appropriate.

Ray Gadd

Ray Gadd  
 Deputy Superintendent  
 Pasco County Schools  
 813-215-9648

From: Jeffrey Harrington <JHarrington@pascoheriff.org>  
 Sent: Thursday, December 16, 2021 8:58 AM  
 To: Raymond E. Gadd <rgadd@pasco.k12.fl.us>  
 Subject: RE: Ray Gadd

**CAUTION:** This email originated from outside Pasco County Schools. DO NOT click links or open attachments unless you recognize the sender and know the content is safe.

Ray, I understand and we will assess where the case are right now.

Colonel Jeff Harrington  
 Chief Deputy  
 Pasco Sheriff's Office  
 8700 Citizens Drive  
 New Port Richey, Florida 34654  
 727-844-7705

From: Raymond E. Gadd <rgadd@pasco.k12.fl.us>  
 Sent: Wednesday, December 15, 2021 3:39 PM  
 To: Jeffrey Harrington <JHarrington@pascoheriff.org>  
 Subject: Fwd: Ray Gadd

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

This is why I would like to know the status of Ritsema case

Sent from my iPhone

Begin forwarded message:

From: "Kurt S. Browning" <kbrowning@pasco.k12.fl.us>  
 Date: December 15, 2021 at 3:28:17 PM EST  
 To: "Raymond E. Gadd" <rgadd@pasco.k12.fl.us>  
 Subject: FW: Ray Gadd

FYI  
 Marsha

From: rebecadeapriest@aol.com <rebecadeapriest@aol.com>



From: Raymond E. Gadd <Gadd@pscschools.org>  
 To: jharrington@pscschools.org  
 Cc:  
 Bcc:  
 Importance: Normal  
 Subject: FW: Gifted Evaluation request  
 Attachments: image001.png

In the second paragraph below Mrs. Yuengling alleges the school principal ( she uses word spouse) is alleging the principal allowed teachers to coerce and exploit private relationships with students. This is what I read in a public meeting. If that is alleged it is certainly something Homeland Security should investigate. And, it is imperative that the school district know the truth related to this accusation.

Ray Gadd  
 Deputy Superintendent  
 Pasco County Schools  
 813-215-9648

From: Marcy Lynn Hetzler-Nettles <marnetw@pscs.k12.fl.us>  
 Sent: Tuesday, December 14, 2021 4:46 PM  
 To: Raymond E. Gadd <rgadd@pscs.k12.fl.us>  
 Subject: FW: Gifted Evaluation request

Marcy Hetzler-Nettles

From: "rebeccadepest@pscs.k12.fl.us" <rebeccadepest@pscs.k12.fl.us>  
 Reply-To: "rebeccadepest@pscs.k12.fl.us" <rebeccadepest@pscs.k12.fl.us>  
 Date: Monday, October 25, 2021 at 4:41 PM  
 To: Marcy Hetzler-Nettles <marnetw@pscs.k12.fl.us>  
 Cc: Tim Light <tlight@pscs.k12.fl.us>, "Kurt S. Browning" <kbrowning@pscs.k12.fl.us>, Megan Harding <meharding@pscs.k12.fl.us>, Colleen Rene Beaudoin <cbeaudoin@pscs.k12.fl.us>, "Cynthia A. Armstrong" <carmstrong@pscs.k12.fl.us>, Allen Altman <aaltman@pscs.k12.fl.us>, "Alison G. Crumley" <acrumley@pscs.k12.fl.us>  
 Subject: Re: Gifted Evaluation request

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What is being done about Mr. Latimer-Cheney not doing her job? I want a complete investigation into her negligence in following up and delay of lawfully requested resources to my son. Also, being there is a conflict of interest, being you are the spouse of the Principal who I have multiple state investigations/complaints on, I am requesting someone other than you or Dr. Bee directly or indirectly oversee my complaint.

Dealing with fear and impartial staff is required law, to which "Superintendent" Browning violates. I am legitimately the only person truly looking out for the LGBTQ students. Superintendent Browning and your spouse willfully are exploiting children, Kyle Pittman, you think former students are going to talk about what inappropriate things happened, being they will have to say the are most likely HIV and gay, or experimenting when they were a student on Pasco Schools? Where are there privacy rights?? Pittman and Neapolitano exploited those VERTY students, they took the ones from broken homes. Voices of infants stopped to a table being sodomized by an adult. Your spouse allowed teachers to promote, exploit, and coerce private relationships with children in "secret" with the LGBTQ ally teacher alone Gay or straight it doesn't matter, no secrets from the parents and no promoting secret sexual identities with teachers. The District is still on notice, ANY CHILD currently exploited or abused by staff, Im going to make sure everyone involved is charged.

Rebecca Yuengling

-----Original Message-----  
 From: Marcy Lynn Hetzler-Nettles <marnetw@pscs.k12.fl.us>  
 To: rebeccadepest@pscs.k12.fl.us <rebeccadepest@pscs.k12.fl.us>  
 Cc: Timothy Light <tlight@pscs.k12.fl.us>  
 Sent: Mon, Oct 25, 2021 4:05 pm  
 Subject: Gifted Evaluation request

Good Afternoon Mrs. Yuengling,

I am in receipt of your email sent to Superintendent Browning today regarding your student at Cypress Creek Middle School. Per your request to have the name

and title of a different qualified employee ASAP to conduct the evaluation, please note Deanna Binkley, School Psychologist, will now be assigned to cover the meeting and any evaluations. Corinne Elrod, Compliance Teacher, will be in touch with you in the morning to schedule it so the

Sincerely,  
 Marcy Hetzler-Nettles  
 Assistant Superintendent for Middle Schools  
 District School Board of Pasco County  
 813.794.2453  
 813.824.2453  
 727.774.2453



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