

**VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF NEWPORT NEWS**

**ABIGAIL ZWERNER,**

**Plaintiff,**

**v.**

**Case No.**

**JURY TRIAL DEMANDED**

**NEWPORT NEWS SCHOOL BOARD,**

**SERVE:**

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**SUPERINTENDENT DR. GEORGE PARKER III,  
Individually and in his Official Capacity as Superintendent  
of Newport News Schools,**

**SERVE:**

**EBONY V. PARKER, Individually and in her Official Capacity  
as Assistant Principal of Richneck Elementary School,**

**SERVE:**



**BRIANA FOSTER NEWTON, Individually and in her Official Capacity as Principal of Richneck Elementary School,**

**SERVE:**



**COMPLAINT**

COMES NOW the Plaintiff, Abigail Zwerner, by counsel, and respectfully moves this Honorable Court for judgment against the Defendants, Newport News School Board, Dr. George Parker III, Ebony Parker, and Briana Foster Newton, jointly and severally, for compensatory damages, costs of this action, and pre-judgment interest and post-judgment interest, on the grounds set forth below:

**PARTIES**

1. At all times relevant herein, Plaintiff, Abigail Zwerner, a resident of the County of York and a citizen of the Commonwealth of Virginia, was a first-grade teacher employed at Richneck Elementary School in the Newport News School District.
2. Defendant School Board for the City of Newport News (“School Board”) is a corporate body and a political subdivision of the Commonwealth of Virginia under the authority of Title 22.2 of the Code of Virginia and is vested with the responsibility for supervision of schools within the City of Newport News.

3. Defendant Dr. George Parker III was, at all times relevant herein, the Superintendent of the Newport News School District. Upon information and belief, Defendant Dr. George Parker III is, and at all times relevant herein has been, a citizen of Virginia and a resident of Newport News.

4. Defendant Briana Foster Newton was, at all times relevant herein, and in particular, during the 2022-2023 school year, the Principal of Richneck Elementary School within the Newport News School District. Upon information and belief, Defendant is a citizen of Virginia and a resident of Newport News.

5. Defendant Ebony Parker (“Assistant Principal Parker”) was, at all times relevant herein, the Assistant Principal of Richneck Elementary School within the Newport News School District. Upon information and belief, Assistant Principal Parker is a citizen of Virginia and a resident of Newport News.

#### **JURISDICTION AND VENUE**

6. This Court has personal jurisdiction over Defendants pursuant to Va. Code § 8.01-328.1 (1)-(4).

7. Venue is proper in this Court pursuant to Va. Code § 8.01-262(1) and Va. Code § 8.01-262(2) because Defendants reside in, and the causes of action alleged herein arose in, Newport News, Virginia.

#### **FACTS**

8. Plaintiff hereby incorporates by reference, as if fully set forth herein, each and every allegation asserted in the preceding and following paragraphs, including each and every factual and legal allegation hereinbefore and hereinafter alleged, and hereby re-adopts and re-alleges each such allegation.

9. At all times relevant herein, Plaintiff was a twenty-five-year-old first-grade teacher employed by the Newport News School Board and teaching at Richneck Elementary School.

10. On January 6, 2023, at approximately 1:59 p.m., Plaintiff was shot in her classroom by a 6-year-old student, hereinafter referred to as “John Doe,” with a handgun owned by John Doe’s parents that he brought to school with him from his parents’ home.

### ***John Doe’s Background***

11. John Doe had a history of random violence, with which all Defendants were familiar.

12. All Defendants knew that John Doe attacked students and teachers alike, and his motivation to injure was directed toward anyone in his path, both in and out of school, and was not limited to teachers while at the school.

13. John Doe was also violent at home.

14. All Defendants knew that John Doe had been removed from school at Richneck Elementary School during the 2021-2022 school year when he was in kindergarten after he strangled and choked a teacher.

15. Also during the 2021-2022 school year, a female child had fallen on the playground, and John Doe came up to her, pulled her dress up, and began to touch the child inappropriately until reprimanded by a teacher.

16. John Doe was removed from Richneck Elementary School and sent to Denbigh Early Childhood Center during the 2021-2022 school year for demonstrating violent behavior.

17. Defendants allowed John Doe to return to school at Richneck Elementary School for the 2022-2023 school year in the fall of 2022.

18. Defendants knew that John Doe was placed on a modified schedule in the fall of 2022 because he was chasing students around the playground with a belt in an effort to whip them with

it, as well as cursing at staff and teachers. Under this modified schedule, one of John Doe's parents was required to accompany him at school during the school day.

19. Teachers' concerns with John Doe's behavior was regularly brought to the attention of Richneck Elementary School administration, and the concerns were always dismissed. Often when he was taken to the school office to address his behavior, he would return to the classroom shortly thereafter with some type of reward, such as a piece of candy.

20. John Doe's parents did not agree for him to be placed into special education classrooms where he would be with other children that have behavioral issues.

*January 6, 2023*

21. During the 2022-2023 school year prior to the shooting, John Doe was placed in the first grade at Richneck Elementary School. During the first half of the year, he was required to be accompanied by a parent during the school day because of his violent tendencies. On the day of the shooting, however, he was not accompanied by a parent and the Defendants allowed him to remain unaccompanied without a one-on-one companion during the school day.

22. On January 4, 2023, two days before the shooting, John Doe grabbed Plaintiff's cellphone and refused to give it back to Plaintiff. He then slammed the cellphone on the ground so hard that it cracked and shattered. Plaintiff then took John Doe to the lead teacher, Jenifer West ("West") and called School Security. No one from School Security responded, so she called the Guidance Department. Rolonzo Rawles ("Rawles"), a guidance counselor and administrator, then came to the classroom, and John Doe called them all "bitches." John Doe was suspended for one day for this misconduct.

23. On the day of the shooting, January 6, 2023, John Doe arrived at school with his mother, who then left.

24. Lunchtime for first graders at Richneck Elementary School on the day of the shooting began at 11:15 a.m. Between 11:15 and 11:30 a.m. on the day of the shooting, Plaintiff reported to Defendant Assistant Principal Parker that John Doe was in a “violent mood” that day, had threatened to beat up a kindergartner during lunchtime, and angrily stared down a security officer in the lunchroom. Upon hearing that information, Assistant Principal Parker had no response, refusing even to look up at Plaintiff when she expressed her concerns. Another teacher, Laura Harris (“Harris”), was in the office with Plaintiff and Assistant Principal Parker at that time and observed that Assistant Principal Parker did not respond and essentially ignored Plaintiff’s concerns.

25. Assistant Principal Parker’s lack of response to Plaintiff’s concerns on the day of the shooting was consistent with her reputation among teachers. She was well known by teachers working in Newport News to ignore and downplay concerns expressed by teachers, and to demean teachers working in schools in which she was an administrator. Teachers expressed similar concerns about her administrative style when she was an Assistant Principal at Newsome Park Elementary School in Newport News. Oftentimes students who were sent to Assistant Principal Parker for discipline as a result of unruly or violent behavior would return to the classroom bragging about candy they had received from Assistant Principal Parker. In short, Assistant Principal Parker’s administrative style was to permit students to engage in dangerous and disruptive conduct and impose no consequence for breaking the rules, thereby placing all persons in the vicinity of the school and in the community at risk.

26. At 11:45 a.m. on the day of the shooting, two students informed Amy Kovac (“Kovac”), a reading specialist at Richneck Elementary School, that John Doe had a gun in his backpack. Kovac then went to speak with John Doe and asked him if he had a gun in his backpack. He responded

that he did not, but he refused to provide her with the backpack, and told her that he was angry that people were picking on his classmate Ron Doe.

27. Recess for first-grade students at Richneck Elementary School on the day of the shooting began at approximately 12:30 p.m. During recess, Plaintiff informed another first-grade teacher on the playground, Jenifer West (“West”), that she had witnessed John Doe take something out of his backpack, that there was suspicion that he had a weapon, so Plaintiff was watching John Doe during recess and observed he and Ron Doe repeatedly going behind a rock-climbing wall on the playground.

28. Also during recess, Plaintiff informed Kovac that she saw John Doe take something out of his backpack before recess and place it into the pocket of his hoodie sweatshirt. Upon learning this, Kovac searched John Doe’s backpack, which remained in the classroom, while he was still at recess but did not find the weapon.

29. After searching John Doe’s backpack, Kovac went to the school office and informed Assistant Principal Parker that John Doe had informed students that he had a gun, that Plaintiff saw him remove an object from his backpack before recess, and that she, Kovac, had searched the backpack while John Doe was at recess and did not find a weapon. Assistant Principal Parker responded that John Doe’s pockets were too small to hold a handgun and did nothing.

30. Recess for first-grade students at Richneck Elementary School on the day of the shooting ended at 1:00 p.m. Shortly thereafter, West pulled Ron Doe out of Plaintiff’s classroom and asked him about his interaction with John Doe during recess. Ron Doe, who was visibly upset and crying, told West that he could not tell her because John Doe said he would hurt him if he told anyone. He then informed West that John Doe had shown him a firearm that he had in his pocket during recess.

31. West kept Ron Doe in her classroom as opposed to returning him to Plaintiff's classroom because he feared being near John Doe. She then contacted the school office. A music teacher at Richneck Elementary, John Sims ("Sims") answered the telephone in the school office, and West informed him about her conversation with Ron Doe. Sims told West he would inform Assistant Principal Parker.

32. At 1:11 p.m., Sims called West and told her that he had informed Assistant Principal Parker, and Assistant Principal Parker responded that she was aware of the threat, that John Doe's backpack had already been searched, and took no further action. West stressed to Sims that she believed John Doe had a gun on his person.

33. Thereafter a guidance counselor and administrator at Richneck Elementary School, Rolonzo Rawles ("Rawles"), came to West's classroom, and she told him what Ron Doe had told her. Rawles went to the school office and asked permission from Assistant Principal Parker to search John Doe's person for a firearm. At this time, Sims had returned to the school office for a second time, to stress to her that West believed John Doe had a firearm on his person and needed to be searched. When Sims arrived at the school office, he witnessed Rawles asking Assistant Principal Parker if he could search John Doe's person for a weapon. Assistant Principal Parker forbade Rawles from doing so and stated that John Doe's mother would be arriving soon to pick him up.

34. At approximately 1:59 p.m., within an hour of Assistant Principal Parker's specific refusal to allow anyone to search John Doe's person for a firearm, despite being informed on multiple occasions that the firearm had been seen on his person, John Doe pulled the firearm out of his pocket, aimed it at Plaintiff and shot her as she was seated at her reading table in the classroom.



35. John Doe's assault on Plaintiff was not directed at her because she was an employee of Richneck Elementary School or the Newport News School Board or District but was instead personal to her.

36. As a first-grade teacher at Richneck Elementary School, Plaintiff reasonably anticipated that she would be working with young children who posed no danger to her.

37. As a first-grade teacher in charge of six- and seven-year-old students, the danger of being shot with a firearm by one of them was not an actual risk of Plaintiff's employment, was not peculiar to her work, and was a hazard to which Plaintiff would have been equally exposed apart from her employment. The risk of being shot by John Doe was a risk shared by any person in the school, whether an employee, student, parent, or other visitor, as well as those living in the surrounding neighborhood, as the shooter had a known history of attacking students and teachers alike.

38. The risk of being shot with a firearm by an elementary age student was not incident to Plaintiff's employment as a first-grade teacher, did not arise out of her employment, and was not a rational consequence of risks associated with her employment as a teacher of first-grade students.

39. There was no causal connection between the conditions of Plaintiff's employment under which her work was required to be performed and the resulting injury she sustained.

## **CAUSES OF ACTION**

### **COUNT I**

#### **NEGLIGENT, GROSSLY NEGLIGENCE, AND RECKLESS BREACH OF ASSUMED DUTY OF CARE**

*Plaintiff v. Defendants Newport News School Board and Ebony Parker*

40. Plaintiff hereby incorporates by reference, as if fully set forth herein, each and every allegation asserted in the preceding and following paragraphs, including each and every factual and legal allegation hereinbefore and hereinafter alleged, and hereby re-adopts and re-alleges each such allegation.

41. By expressly assuring Plaintiff and other school personnel that John Doe's backpack had been searched and that there was no firearm in it, and by assuring them that a firearm would not fit within John Doe's pocket on his person and that he was not, therefore, carrying a firearm on his person, Defendant Assistant Principal Parker expressly assumed to act gratuitously and/or for consideration to render services to Plaintiff, which she knew or should have recognized was necessary for Plaintiff's protection.

42. Defendant Assistant Principal Parker breached her assumed duty to Plaintiff by doing nothing to ensure that John Doe was not in possession of a firearm on January 6, 2023, despite at least three separate warnings from teachers and staff that students had seen the firearm and that he removed an object that was likely a firearm from his backpack before it was searched and no firearm was found in it.

43. At all times material and relevant herein, Defendant Assistant Principal Parker was acting in furtherance of and within the scope of her employment, agency, and service with Defendant Newport News School Board; was subject to the direct control and supervision of Defendant Newport News School Board; her actions were fairly and naturally incident to the business of the Newport News School Board; Defendant Newport News School Board had the power and right to control her actions; and Defendant Newport News School Board encouraged, ratified, and condoned her actions. Defendant Newport News School Board is therefore vicariously liable for the actions of Defendant Assistant Principal Parker as alleged herein.

44. Defendant Assistant Principal Parker's choice to breach her assumed duty to Plaintiff, despite multiple reports that a firearm was on school property and likely in the possession of a violent individual was negligent, grossly negligent, and in reckless disregard for Plaintiff's safety.

45. As a direct and proximate result of the foregoing acts, Plaintiff has sustained and will continue to sustain pain and suffering, physical pain, mental anguish, pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, fright, grief, humiliation, loss of enjoyment of life, inconvenience, post-traumatic stress disorder resulting in physically manifested injuries including anxiety, depressions, sleep disorders, nightmares, psychological injuries, physical as mental sickness, and bodily injuries. Plaintiff was prevented and will continue to be prevented from performing her daily activities and obtaining the full enjoyment of life and has sustained and will continue to sustain loss of earnings and earning capacity.

## COUNT II

### **NEGLIGENCE, GROSS NEGLIGENCE, AND RECKLESS DISREGARD – BREACH OF DUTY TO INSPECT**

#### *Plaintiff v. Newport News School Board*

46. Plaintiff hereby incorporates by reference, as if fully set forth herein, each and every allegation asserted in the preceding and following paragraphs, including each and every factual and legal allegation hereinbefore and hereinafter alleged, and hereby re-adopts and re-alleges each such allegation.

47. Pursuant to Section 22.1-125 of the Code of Virginia, the title to all school property, both real and personal, within the Newport News School Division is vested in the School Board, and such property is within its official care and authority. Va. Code § 22.1-125(A) and (B). Title to Richneck Elementary School vests with the School Board.

48. Article VIII, section 7, of the Virginia Constitution provides, "The supervision of the schools in each school division shall be vested in a school board." Va. Const. art. VIII, § 7.

49. By statute, school boards must ensure that schools are "conducted according to law," Va. Code § 22.1-79(2), and must "[c]are for, manage and control" school property. Va. Code § 22.1-79(3).

50. As the owner of the property at Richneck Elementary School, the School Board was, at all times relevant herein, responsible for its supervision, care, management, and control.

51. As the owner and possessor of the property at Richneck Elementary School, the School Board owed Plaintiff, its invitee, a duty of ordinary care in the inspection, maintenance, and upkeep of the school and to keep the premises in a reasonably safe condition and to warn of any hidden dangers of which they were aware, which heightened their duty to inspect thoroughly until they knew with reasonable certainty that the danger had been identified and removed.

52. On January 6, 2023, the day of the shooting, the School Board knew, or should have known, that there was a lethal firearm located somewhere on the property, that it had been seen in the possession of John Doe, a child known to have violent tendencies, and that its presence on the property posed a danger of serious injury or death to all persons located on the property, including Plaintiff.

53. Despite multiple reports that John Doe had a firearm on his person, which he may have removed from his backpack, the School Board chose not to act in any fashion to prevent its use or to protect or warn Plaintiff, including its choice not to inspect the premises or John Doe's person, and, instead, chose to allow John Doe to remain in Plaintiff's classroom and on the property without inspection for the firearm, thereby posing a serious risk of bodily injury or death to her and to all persons on the property.

54. The School Board breached its duty to Plaintiff when it chose not to inspect the property or John Doe's person once it knew, through at least three of its employees and through reports by students at Richneck Elementary School, that the firearm was on the property and that it had been seen in John Doe's possession.

55. As a direct and proximate result of the School Board's breach of its duty to inspect the premises or John Doe's person for the lethal firearm which it knew or should have known was on the property, John Doe shot Plaintiff in her classroom with the firearm that he had hidden in his pocket.

56. The School Board's choice not to inspect the property for the hidden firearm that it knew or should have known was on school property and likely in the possession of a violent individual was negligent, grossly negligent, and in reckless disregard for Plaintiff's safety.

57. As a direct and proximate result of the foregoing acts, Plaintiff has sustained and will continue to sustain pain and suffering, physical pain, mental anguish, pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, fright, grief, humiliation, loss of enjoyment of life, inconvenience, post-traumatic stress disorder resulting in physically manifested injuries including anxiety, depressions, sleep disorders, nightmares, psychological injuries, physical and mental sickness, and bodily injuries. Plaintiff was prevented and will continue to be prevented from performing her daily activities and obtaining the full enjoyment of life and has sustained and will continue to sustain loss of earnings and earning capacity.

### **COUNT III**

#### **NEGLIGENT, GROSSLY NEGLIGENT, AND RECKLESS BREACH OF DUTY ARISING OUT OF SPECIAL RELATIONSHIPS**

*Plaintiff v. All Defendants*

58. Plaintiff hereby incorporates by reference, as if fully set forth herein, each and every allegation asserted in the preceding and following paragraphs, including each and every factual and legal allegation hereinbefore and hereinafter alleged, and hereby re-adopts and re-alleges each such allegation.

59. A special relationship existed between Plaintiff and Defendants which gave rise to a special duty to protect Plaintiff.

60. A de facto special relationship arose between Plaintiff and Defendants on January 6, 2023, because Defendants reasonably could have foreseen that they would be expected to take affirmative action to protect Plaintiff from harm. The factual circumstances of this case warrant a finding that a special relationship existed between Defendants and Plaintiff that gave rise to a duty on their part to exercise reasonable care to protect her.

61. The special relationship between Plaintiff and Defendants arose on January 6, 2023 when multiple teachers and staff informed Assistant Principal Parker that John Doe, a student in Plaintiff's class known to have violent tendencies, had been seen in possession of a firearm.

62. Assistant Principal Parker knew, or should have known, that the firearm was on the premises and likely in John Doe's possession on January 6, 2023, that Plaintiff was therefore in great danger of serious bodily harm or death while John Doe remained on the premises, and that she, Assistant Principal Parker, would be expected to take affirmative action to protect Plaintiff from harm by contacting law enforcement, removing John Doe from class, or inspecting his person for the presence of the firearm.

63. Defendants permitted John Doe to remain on its premises at Richneck Elementary School and in Plaintiff's classroom, despite having suspended and banned him from the school due to his

previous violent behavior and their knowledge that John Doe posed a severe risk of bodily harm to any person coming into contact with him.

64. Defendants' breach of duties includes, but is not limited to, their choice to allow John Doe to remain at Richneck Elementary School without a one-on-one companion at all times and their choice to refuse to search for the firearm that they knew to exist or to permit school employees to search John Doe's person for a firearm when it became known, upon multiple reports from students and teachers alike, that John Doe was in possession of a firearm and posed an unreasonable danger to persons located on the Richneck Elementary School campus.

65. Defendants had specific knowledge of John Doe's propensity to assault other individuals at Richneck Elementary School, had intervened to inhibit that behavior in the past, and had taken steps to avoid reoccurrence of that behavior in the future. Thus, his continued presence at Richneck Elementary School placed Defendants on notice specifically that Plaintiff was in danger of being injured by John Doe and that harm to her was foreseeable and imminently probable. The foreseeability of harm was heightened upon notice that John Doe was in possession of a firearm which had been witnessed by other students and upon searching his backpack and not locating the firearm therein.

66. A special relationship also existed between John Doe and Defendants giving rise to a duty to Plaintiff to control John Doe's conduct. Defendants knew John Doe specifically to be a violent individual who had injured others on school property in the past and whose conduct they were able to control.

67. Defendants knew they had the ability to control John Doe, as they had done so in the past by suspending him from school during the 2021-2022 school year and requiring him to be supervised one-on-one while on school grounds.

68. By law, John Doe's parents had to send John Doe to school. Once he was there, it was the responsibility of Defendants to supervise him, control him, remove him when necessary for the safety of others, and search him for the firearm that they knew to be in his possession on January 6, 2023, and their duty to do so extended to Plaintiff.

69. The magnitude of the burden on Defendants to guard against John Doe's act was negligible, in as much as Defendants need only to have continued the suspension or enforced its requirement that he be supervised one-on-one while on school premises. The consequences of placing that burden on Defendants were equally negligible, as it was obviously in its best interest to exclude from the premises persons it knew to be disruptive and dangerous in the past and likely to be disruptive and dangerous in the future.

70. Defendants' choice not to protect Plaintiff or control John Doe by searching for the hidden firearm that it knew from multiple sources to be on school property and likely in the possession of John Doe, a known violent individual, was negligent, grossly negligent, and in reckless disregard for Plaintiff's safety. Defendants' choice not to act in any manner to protect Plaintiff after the firearm was not located in John Doe's backpack but was known to be either on his person or elsewhere on school premises amounted to a heedless and palpable violation of legal duty and complete absence of diligence and was grossly negligent and in reckless disregard for the safety of all persons on the premises, including Plaintiff.

71. As a direct and proximate result of Defendants' negligence, gross negligence, and reckless disregard for the safety of others, including Plaintiff, Plaintiff has sustained and will continue to sustain pain and suffering, physical pain, mental anguish, pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, fright, grief, humiliation, loss of enjoyment of life, inconvenience, post-traumatic stress



disorder resulting in physically manifested injuries including anxiety, depressions, sleep disorders, nightmares, psychological injuries, physical and mental sickness, and bodily injuries. Plaintiff was prevented and will continue to be prevented from performing her daily activities and obtaining the full enjoyment of life and has sustained and will continue to sustain loss of earnings and earning capacity.

#### COUNT IV

#### **NEGLIGENCE, GROSS NEGLIGENCE, AND RECKLESS DISREGARD – BREACH OF DUTY ARISING FROM VIOLATION OF VA. CODE § 22.1-279.3:1**

#### *Plaintiff v. All Defendants*

72. Plaintiff hereby incorporates by reference, as if fully set forth herein, each and every allegation asserted in the preceding and following paragraphs, including each and every factual and legal allegation hereinbefore and hereinafter alleged, and hereby re-adopts and re-alleges each such allegation.

73. Section 22.1-279.3:1 of the Code of Virginia was enacted to protect individuals located on school grounds throughout the Commonwealth by requiring school officials to immediately report certain offenses on school property to the local law enforcement agency.

74. Among the offenses listed in Section 22.1-279.3:1 that must be reported to local law enforcement agencies is “[t]he illegal carrying of a firearm, as defined in § 22.1-277.07, onto school property.” Va. Code § 22.1-279.3:1(A)(5).

75. Section 22.1-279.3:1(A)(5) requires that reports that an illegal firearm has been carried onto school property are to be made to the “division superintendent and to the principal or his designee.” *Id.* Each principal shall then “immediately report” that an illegal firearm has been carried onto school property to the local law enforcement agency. Va. Code § 22.1-279.3:1(B)(2).

76. On January 6, 2023, John Doe carried an illegal firearm onto school property at Richneck Elementary School.

77. Before John Doe shot Plaintiff at 1:59 p.m. on January 6, 2023, two teachers and a guidance counselor each reported that John Doe was in possession of an illegal firearm to Assistant Principal Parker, but she did not contact the Newport News Police Department, the local law enforcement agency, as mandated by Section 22.1-279.3:1(B)(2).

78. Defendants Superintendent Dr. George Parker III and Principal Briana Foster Newton also failed to contact the Newport News Police Department, the local law enforcement agency, as mandated by Section 22.1-279.3:1(B)(2).

79. Section 22.1-279.3:1 was enacted for the safety and benefit of both the public in general and those located on school property in the Commonwealth of Virginia.

80. Plaintiff is a member of the class of people for whose benefit Section 22.1-279.3:1 was enacted, and she suffered the type of injury against which the statute protects.

81. Defendants acted with negligence, gross negligence, and reckless disregard in their refusal to immediately report that a student at Richneck Elementary School had illegally carried a firearm onto school property, in violation Section 22.1-279.3:1. Had they complied with the statute when the violation was first reported at or near 12:30 p.m. on January 6, 2023, local law enforcement would have arrived and prevented the injuries Plaintiff sustained.

82. As a direct and proximate result of the foregoing acts, Plaintiff has sustained and will continue to sustain pain and suffering, physical pain, mental anguish, pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, fright, grief, humiliation, loss of enjoyment of life, inconvenience, post-traumatic stress disorder resulting in physically manifested injuries including anxiety, depressions,

sleep disorders, nightmares, psychological injuries, physical and mental sickness, and bodily injuries. Plaintiff was prevented and will continue to be prevented from performing her daily activities and obtaining the full enjoyment of life and has sustained and will continue to sustain loss of earnings and earning capacity.

### **DAMAGES**

83. Plaintiff hereby incorporates by reference, as if fully set forth herein, each and every allegation asserted in the preceding and following paragraphs, including each and every factual and legal allegation hereinbefore and hereinafter alleged, and hereby re-adopts and re-alleges each such allegation.

84. As a direct and proximate result of the aforementioned acts and omissions of the Defendants, and each of them, Plaintiff incurred the following damages:

- a. Bodily injuries, permanent in nature, which have affected her life;
- b. Past, present and future physical pain and mental anguish;
- c. Disfigurement and/or deformity coupled with associated humiliation and embarrassment;
- d. Past, present and future inconvenience;
- e. Past, present and future lost earnings, and a lessening of earning capacity;
- f. Personal, social and financial limitations resulting from the injuries sustained by Plaintiff; and
- g. Other damages allowable at law, including medical expenses incurred in the past, present and future, and attorneys' fees and costs.

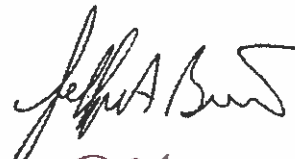
WHEREFORE, Plaintiff respectfully moves this Court for the following relief: judgment and award of execution against all Defendants individually, jointly, and/or severally in the amount

of FORTY MILLION AND NO/100 DOLLARS (\$40,000,000.00) as compensatory damages for the unlawful acts aforesaid, plus pre- and post-judgment interest, and any other damages deemed reasonable and proper by the Court.

**JURY DEMAND**

Plaintiff demands a trial with a jury on all issues in the cause, including liability and damages, and on any issue raised by this Complaint that involves any fact disputed by the Defendants and on any issue that may be raised by the Defendants that involves any fact disputed by the Plaintiff.

**ABIGAIL ZWERNER, Plaintiff**


Dated: April 3, 2023

By \_\_\_\_\_  
Of Counsel

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