

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

**WES LITTLE, Individually,
a/n/f OF MINOR PLAINTIFF, E.L.**

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V.

CIVIL ACTION NO. _____

**WEST SABINE INDEPENDENT
SCHOOL DISTRICT, DEBORAH LANE,
MIKE PATE, AND JO ANN CLARK**

PLAINTIFF’S ORIGINAL COMPLAINT

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW **Wes Little, Individually, and as Next Friend of Minor Plaintiff E.L.**(hereinafter referred to as “Plaintiff” or “Little”), Plaintiff in the above entitled cause, and makes, files and serves his Original Complaint against Defendants, West Sabine Independent School District, Deborah Lane, Mike Pate, and Jo Ann Clark (hereinafter collectively referred to as “Defendants”), and for cause would show the following:

A.
Parties

1. Plaintiff is Wes Little, as Next Friend of E.L., who is an individual who resides in and is a citizen of the State of Texas.

2. Defendant, West Sabine Independent School District, is a political subdivision of the State of Texas with its principal office located Pineland, Sabine County, Texas, who may be served with process through its Superintendent, Mike Pate, at 101 Timberland Hwy N, Pineland, Sabine County, Texas 75968

3. Defendant, Deborah Lane, is an individual serving as Principal of West Sabine, who may be served with process at her place of employment at West Sabine ISD, 101 Timberland Hwy

N, Pineland, Sabine County, Texas 75968.

4. Defendant, Mike Pate, is an individual serving as Superintendent of West Sabine, who may be served with process at his place of employment at West Sabine ISD, 101 Timberland Hwy N, Pineland, Sabine County, Texas 75968.

5. Defendant, Jo Ann Clark, is an individual serving as School Nurse for West Sabine, who may be served with process at her place of employment at West Sabine ISD, 101 Timberland Hwy N, Pineland, Sabine County, Texas 75968.

B.
Jurisdiction

6. The court has jurisdiction over the lawsuit because the action arises under U.S. CONST. amend, IV. Plaintiff's minor son, E.L, was the subject of an unreasonable and unlawful strip search by Defendants.

C.
Venue

7. Venue is proper in this district under 28 U.S.C. § 1391(b)(2) because a substantial part of the events or omissions giving rise to this claim occurred in this district.

D.
Factual Background

8. Plaintiff is the father of minor child, E.L. E.L. attends school at West Sabine.

9. It appears from the record that West Sabine had been having problems with someone defecating on the gym floor. It is believed that the incidents of defecation happened four or five times. It is unknown who, or what, defecated on the gym.

10. Following the latest incident in which feces was found on the gym floor, Defendants decided that they would inspect members of a specific gym class for feces. The decision to inspect the students' bodies for feces was made by Defendant Principal Deborah Lane.

11. E.L. was a member of this gym class. It is believed that approximately forty-seven (46) other individual children were members of this class.

12. The children were separated into groups by sex, and were then inspected by Defendant School Nurse Jo Ann Clark.

13. Defendant Clark pulled each individual child's pants and underwear down past their buttocks in order to conduct this "inspection" of the children for feces.

14. The "inspection" of the children did not determine that any of the children who were "inspected" were the ones who defecated on the gym floor.

15. This "inspection" of the children violates the Fourth Amendment standard for school searches in that it fails to balance the governmental interest and the private interest of the students searched.

16. The "inspection" amounted to strip search of the children without any reasonable expectation that the search would reveal anything more than a child who failed to appropriately manage their individual personal hygiene.

17. The "inspection" was excessively intrusive in light of the age and sex of the students and the nature of the supposed infraction.

18. The "inspection" violated the students' subjective expectation of privacy against such a search, and resulted in embarrassment, fright, and humiliation which was intensified by their adolescent vulnerability to the intrusiveness of the exposure.

19. The content of the intrusion manifested on the students was not warranted by the content of the suspicion, the supposed infraction, nor the danger to the student population.

20. Defendants cannot justify the violations of the students' subjective and reasonable societal expectations of personal privacy for such a search, and such a search, strip search, or "inspection" violates the tenants of the Fourth Amendment.

E.

Violations of the Fourth Amendment

22. Plaintiff is the father of Minor Plaintiff E.L.

23. Minor Plaintiff E.L. is a student at West Sabine ISD.

24. West Sabine ISD, and the Defendants herein, did decide to strip search a class of male and female students in an attempt to find out who, if anyone, had been defecating on the gym floor.

25. Minor Plaintiff E.L. was a member of the group of students who were strip searched by exposing their buttocks and genitalia.

26. Minor Plaintiff E.L. had subjective and reasonable societal expectations of personal privacy against such a search.

27. Given the nature of the supposed school infraction and the limited likelihood of injury to the student populace, the decision made by West Sabine ISD, Defendant Deborah Lane, and Defendant Mike Pate was in violation of the Fourth Amendment.

28. Given the nature of the supposed school infraction and the limited likelihood of injury to the student populace, the act of carrying out the strip search by Defendant Jo Ann Clark was in violation of the Fourth Amendment.

29. Defendants herein violated Minor Plaintiff E.L.'s Fourth Amendment rights against unreasonable searches as protected by the Fourth Amendment and made applicable under the Fourteenth Amendment.

F.
Damages

30. As a direct and proximate result of the Defendants' conduct, Plaintiff suffered the following injuries and damages:

- a. Minor Plaintiff E.L. was caused to suffer embarrassment, humiliation, and fright.
- b. Minor Plaintiff E.L. was caused to suffer mental anguish in the past, and will in all probability continue to suffer mental anguish in the future.
- c. Plaintiff was forced to hire an attorney to represent their interest, and has been forced to incur attorney's fees for which he seeks redress.

G.
Attorney's Fees

31. Plaintiff was forced to engage counsel to protect their rights. Plaintiff is entitled to an award of attorney's fees and costs of court.

H.
Jury Demand

32. Plaintiff seeks a jury trial on all issues of fact herein.

I.
Prayer

33. For the reasons stated herein, Plaintiff prays for damages for mental anguish, humiliation, embarrassment, costs of suit, reasonable attorney's fees, and all other relief the court deems appropriate.

Respectfully submitted,

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