

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

JEANNE HEDGEPEETH,)
)
) Plaintiff,)
)
v.))
) Case Number:)
)
JAMES A. BRITTON,)
)
and)
)
KIMBERLY CAVILL,)
)
and)
)
ANNA KLIMKOWICZ,)
)
and)
)
ROBERT J. LEFEVRE, JR.,)
)
and)
)
STEVEN ROSENBLUM,)
)
and)
)
LISA A. SMALL,)
)
and)
)
EDWARD M. YUNG,)
)
and)
)
TOWNSHIP HIGH SCHOOL DISTRICT 211,)
)
) Defendants.)
)
)

COMPLAINT

Plaintiff Jeanne Hedgepeth, by counsel and pursuant to 42 U.S.C. § 1983, brings this action against Defendants James A. Britton, Kimberly Cavill, Anna Klimkowicz, Robert J. LeFevre, Jr., Steven Rosenblum, Lisa A. Small, Edward M. Yung, and Township High School District 211 for violating Plaintiff's rights under the First Amendment to the United States Constitution. As grounds therefor, Plaintiff alleges as follows:

JURISDICTION AND VENUE

1. The Court has jurisdiction of this lawsuit under 28 U.S.C. §§ 1331 and 1343(a)(3).
2. Venue is proper under 28 U.S.C. § 1391(b)(2).

PARTIES

3. Plaintiff Jeanne Hedgepeth is a citizen of the United States and a resident of Cook County, Illinois.
4. Defendant James A. Britton was the director of human resources for Defendant Township High School District 211 in June and July 2020. He is being sued in his personal capacity for actions taken during that time period under color of law.
5. Defendant Kimberly Cavill was a member of the Board of Education of Defendant Township High School District 211 on or about July 16, 2020. She is being sued in her personal capacity for actions taken on that date under color of law.
6. Defendant Anna Klimkowicz was a member of the Board of Education of Defendant Township High School District 211 on or about July 16, 2020. She is being sued in her personal capacity for actions taken on that date under color of law.

7. Defendant Robert J. LeFevre, Jr. was a member of the Board of Education of Defendant Township High School District 211 on or about July 16, 2020. He is being sued in his personal capacity for actions taken on that date under color of law.

8. Defendant Steven Rosenblum was a member of the Board of Education of Defendant Township High School District 211 on or about July 16, 2020. He is being sued in his personal capacity for actions taken on that date under color of law.

9. Defendant Lisa A. Small was superintendent of schools for Defendant Township High School District 211 in June and July 2020. She is being sued in her personal capacity for actions taken during that time period under color of law.

10. Defendant Edward M. Yung was a member of the Board of Education of Defendant Township High School District 211 on or about July 16, 2020. He is being sued in his personal capacity for actions taken on that date under color of law.

11. Defendant Township High School District 211 (“District 211) is a school district in Cook County, Illinois. Defendant District 211 has approximately 12,000 students and serves the communities of Hoffman Estates, Inverness, Palatine, and Schaumburg, and parts of Arlington Heights, Elk Grove Village, Hanover Park, Rolling Meadows, Roselle, Streamwood, and South Barrington in the northwest suburbs of Chicago. Defendant District 211 operates five high schools, including Palatine High School, and two special education high schools. Its governing body is the seven-member Board of Education, which, on July 16, 2020, was comprised of Defendants Cavill, Klimkowicz, LeFevre, Rosenblum, and Yung and two other members, Mark Cramer and Pete Dombrowski.

STATEMENT OF FACTS

12. In or about August 2000, Plaintiff was hired as a teacher at Palatine High School by Defendant District 211. She subsequently earned tenure and served as a tenured teacher at Palatine High School until July 16, 2020.

13. In late May and early June 2020, Plaintiff was vacationing in Florida after the end of the 2019-20 school year when violent street protests, rioting, looting, and shootings erupted in Chicago and many other U.S. cities in the aftermath of the killing of George Floyd on May 25, 2020 by Minneapolis police officers.

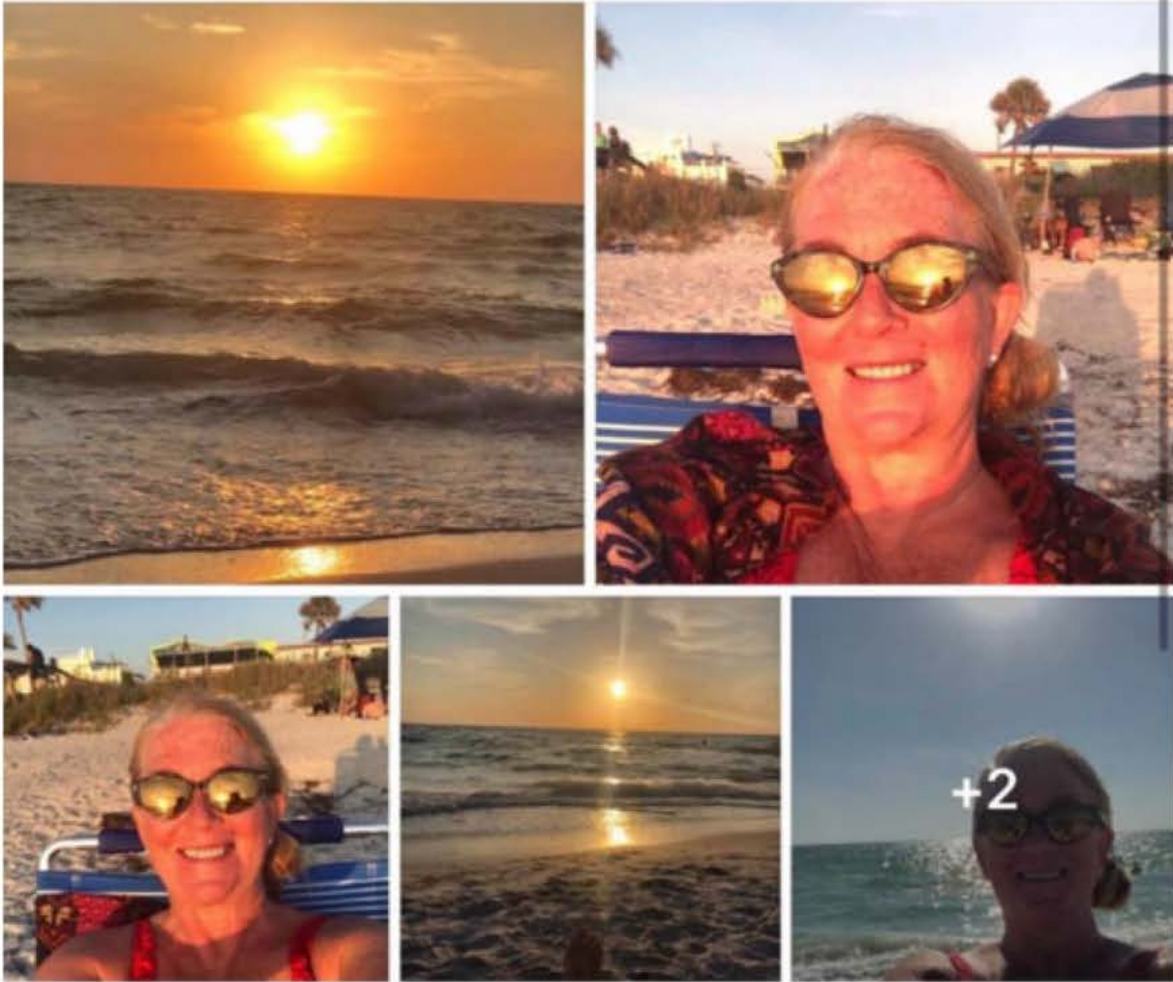
14. In Chicago alone, 82 persons were shot, 19 fatally, over the May 30-31, 2020 weekend.

15. On May 31, 2020, which the *Chicago Sun Times* described as the most violent day Chicago had seen in 60 years, Mayor Lori Lightfoot asked Governor J.B. Pritzker to deploy the Illinois National Guard in the city.

16. That same day, May 31, 2020, Plaintiff posted the following photos of herself on the beach in Florida along with the comment, "I don't want to go home tomorrow. Now that the civil war has begun I want to move."

<  **Jeanne Hedrich Hedgepeth** Yesterday at 4:33 PM · 

I don't want to go home tomorrow. Now that the civil war has begun I want to move.



 Like

 Comment

 Send

17. An individual responded, “Follow your gut! Move!!!!!!!!!!” Plaintiff answered, “I need a gun and training.” The individual replied, “me too!”



18. Another individual posted a meme that same day suggesting that the riots could be stopped with a septic tank truck and a pressure cannon. Plaintiff reposted the meme, obviously in jest, adding, “You think this would work?”



19. On or about June 1, 2020, Plaintiff posted the following comment on Facebook in the course of an exchange of posts begun the previous day with a third individual:

I am about facts, truth seeking and love. I will speak on any topic I choose because I live in a free country. I find the term “white privilege” as racist as the “N” word. You have not walked in my shoes either so do not make assumptions about me and my so called privilege. You think America is racist? Then you have been hoodwinked by the white liberal establishment and race baiters like Jesse Jackson and Al Sharpton. Travel the world and go see that every nation has racism and some more than others but few make efforts such as we do to mitigate

or eliminate it. I have lived and seen. The people I am informed by about the black experience in America are actually some of the smartest people in America. And it so happens they are black. I highly recommend studying Thomas Sowell, who is now retired and in his 80's. A treasure. A truth seeker. [D]oes REAL research and analysis. Candice Owens is one of the smartest and most courageous women in America and Larry Elders speaks the truth with a great sense of humor and FACTS not feelings. They are who I listen to when it comes to facts about the black experience in America. Don't you think there is a deeper problem than racism when 50% of murders in America are committed by 13% of the population? Do you think there might be a subtle genocide of black babies when most planned parenthoods are put in poor neighborhoods and that 30% of abortions are black babies. [B]lack women only make up 7% of the U.S. population. The greatest power you have is what you believe about yourself. [W]hat have Democrats, mainstream media and intellectuals in ivory towers been telling the black community to believe about themselves for forty years? Wake up and stop believing them, then things will change.

20. All of Plaintiff's posts were on her personal Facebook page. None of Plaintiff's posts identified her as a teacher or a District 211 employee, nor did Plaintiff post them in her capacity as a teacher or a District 211 employee. None of the persons with whom Plaintiff exchanged Facebook posts were current District 211 or Palatine High School teachers, staff, or students.

21. Almost immediately upon returning from her vacation, Plaintiff learned that Defendant District 211 was investigating her for her May 31-June 1, 2020 Facebook posts. During the course of the investigation, Plaintiff met with Defendants Britton and Small and other District 211 officials to discuss the posts.

22. On or about July 14, 2020, Defendant Britton prepared a memo for Defendant Small in which he recommended that Plaintiff "be considered for termination by the Board of Education" at its upcoming July 16, 2020 meeting because of the May 31-June 1, 2020 posts. Defendant Britton noted in his recommendation that, in their meeting, Plaintiff had raised both the fact that the posts were made on her personal Facebook page and were "out of school." He also noted that Plaintiff invoked her First Amendment rights.

23. Defendant Small accepted Defendant Britton's July 14, 2020 recommendation and in turn recommended to the Board of Education that Plaintiff be considered for termination at the upcoming meeting on July 16, 2020.

24. At the July 16, 2020 meeting, Defendants Cavill, Klimkowicz, LeFevre, Rosenblum, and Yung voted to terminate Plaintiff's employment because of her May 31-June 1, 2020 Facebook posts. Two other board members, Mark Cramer and Pete Dombrowski, voted against terminating Plaintiff.

25. Based on the outcome of the vote, Plaintiff was terminated. The action taken against Plaintiff was memorialized by a formal resolution that recorded the votes of the various board members cast for and against the action and was duly signed by both the board president, Defendant LeFevre, and the board secretary, Defendant Yung.

26. As a result of the action taken against her, Plaintiff has suffered substantial damages, including loss of income and employment benefits, loss of reputation, and personal humiliation and emotional distress, among other injuries.

COUNT ONE
(42 U.S.C. § 1983 – First Amendment)

27. Plaintiff realleges paragraphs 1-26 as if full stated herein.

28. Plaintiff enjoys the right to Freedom of Speech as protected by the First Amendment to the United States Constitution.

29. At all relevant times, Plaintiff was engaged in constitutionally protected speech when she posted her May 31-June 1, 2020 comments on Facebook, which undeniably addressed matters of public concern.

30. Defendants Britton and Small, acting under color of Illinois law, deprived Plaintiff of her rights under the First Amendment to the United States Constitution when they

recommended that Plaintiff's employment be terminated for having exercised her right to Freedom of Speech.

31. Defendants Cavill, Klimkowicz, LeFevre, Rosenblum, and Yung, acting under color of Illinois law, deprived Plaintiff of her rights under the First Amendment to the United States Constitution when they voted to terminate Plaintiff's employment for having exercised her right to Freedom of Speech.

32. As a majority of Defendant District 211's Board of Education, Defendants Cavill, Klimkowicz, LeFevre, Rosenblum, and Yung had final policy making authority for Defendant District 211. Accordingly, Defendants Cavill, Klimkowicz, LeFevre, Rosenblum, and Yung had authority to set policy for Defendant District 211 and did set policy for Defendant District 211 in terminating Plaintiff's employment.

33. Plaintiff's protected speech was a substantial or motivating factor in Defendants' decision to terminate Plaintiff's employment, and, but for Plaintiff's protected speech, Defendants would not have terminated Plaintiff's employment.

34. As a direct and proximate result of Defendants' violation of Plaintiff's constitutional rights, Plaintiff suffered a loss of income and employment benefits, loss of reputation, and personal humiliation and emotional distress, among other injuries.

WHEREFORE, Plaintiff respectfully requests the Court enter judgment in her favor and against Defendants, jointly and severally, as follows: (1) an award of compensatory damages in an amount to be determined at trial; (2) an award of punitive damages against Defendants Britton, Cavill, Klimkowicz, LeFevre, Rosenblum, Small, and Yung only in an amount to be determined at trial; (3) an award of reasonable attorneys' fees and costs pursuant to 42 U.S.C. §1988; and (4) any and all other such relief that the Court deems just and proper.

* * *

PLAINTIFF DEMANDS A JURY TRIAL

Dated: July 15, 2021

Respectfully submitted,

/s/ Paul J. Orfanedes
Paul J. Orfanedes (Ill. Bar No. 6205255)
JUDICIAL WATCH, INC.
425 Third Street, S.W., Suite 800
Washington, DC 20024
Tel: (202) 646-5172

/s/ Christine Svenson
Christine Svenson (Ill. Bar No. 6230370)
SVENSON LAW OFFICES
345 N. Eric Drive
Palatine, IL 60067
Tel: (312) 467-2900

Counsel for Plaintiffs