

**FOR IMMEDIATE RELEASE**

January 22, 2026

**\$3.85 Million Settlement Reached with Littleton Public School District**

The families of three children who are Autistic and nonverbal have reached a settlement agreement with Littleton Public School District (LPS) for \$3.85 million. The children experienced extreme physical and mental abuse by LPS bus aide, Kiarra Jones, from September 2023 to March 19, 2024, when she was arrested.

For these families, the bus ride was supposed to be a bridge between home and school. Instead, it became a place of fear and harm. Their children, already vulnerable, endured abuse they could not report, could not describe, and could not escape. No parent should have to wonder if their children will come home from school hurt by the very people entrusted to care for them. These families' experiences are a sober reminder of how all children—and Autistic, nonverbal children in particular—depend on others to keep them safe. Vulnerable Colorado children have been let down too many times and deserve better.

In the aftermath of Jones' abuse, LPS changed its policies to review bus surveillance each week and retain videos for thirty days. The families recognize LPS's early efforts to ensure the safety and protection of students with disabilities, and hope that important and necessary improvements will continue to foster a safe, inclusive, and supportive environment for all students. The families appreciate LPS's willingness to reach an early resolution that allows their children to begin healing.

The families continue to advocate for the rights of their children, and for the dignity and rights of the Autism community as a whole. They continue to seek accountability and justice from everyone who played a role in not ending the abuse against their children sooner through their ongoing lawsuit against The Joshua School.

Kevin and Brittany, H.Y.'s parents, stated, "We are encouraged that the school district has recognized the harms inflicted on our son. We pray this leads to meaningful changes that ensure no child ever has to endure what these boys went through. When these allegations first came to light, the school board attempted to dismiss our concerns. As parents of children with special needs, we are their voice—and we are relieved that the school board is listening now."

Jessica and Blake, A.M.'s parents, stated, "Non-speaking individuals with complex support needs rely on the people and systems around them to ensure safety, dignity, and appropriate supports. Resolving this matter with LPS early and outside of litigation allows our family the space to focus on healing, while continuing to work with the district as it takes meaningful steps to strengthen safeguards for our son and students like him."

Jessica and Devon, D.V.'s parents, stated:

Today, the Littleton public school board voted on the settlement agreement regarding the abuse experienced on a Littleton school bus by a paraprofessional. We want to express sincere gratitude to Todd Lambert, Melissa Cooper, and Lindley McCrary for recognizing the urgency of this situation and acting swiftly. Their willingness to engage, listen, and respond in a thoughtful way made it possible to resolve this portion of the case quickly and begin implementing meaningful changes to better protect our most vulnerable students. Because of leaders such as these, who are willing to confront hard truths and translate them into policy change, we have already begun building a model that other districts can learn from—one that affirms disabled children are worthy of safety, dignity, and protection equal to any other child. Our hope is that this work helps move the needle not just locally, but across Colorado.

While this settlement closes one chapter, it does not end our pursuit of accountability. We are continuing to seek accountability from The Joshua School for the role it played in allowing this abuse to continue for as long as it did. True change requires not only policy reform, but responsibility from every institution entrusted with the care of children.

Meaningful change does not happen in a vacuum. It requires parents who are willing to advocate fiercely for their children, and it requires leadership willing to acknowledge those voices, listen to them, and take them seriously—not dismiss them. When families are heard instead of minimized, and when concerns are met with action instead of defensiveness, real progress becomes possible. This has always been about safety, transparency, and making sure what happened to our children does not happen to another family.

Please direct any questions for the families to their attorneys:

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<p>DISTRICT COURT, ARAPAHOE COUNTY, STATE OF COLORADO 7325 S. Potomac St., Centennial, CO 80112</p> <p><b>D.V.</b>, by and through parents and next friends, Jessica and Devon Vestal; <b>H.Y.</b>, by and through parents and next friends, Brittany and Kevin Yarbrough; and <b>A.M.</b>, by and through parents and next friends, Jessica and Blake McBride</p> <p>Plaintiffs, v.</p> <p><b>THE JOSHUA SCHOOL</b>, a nonprofit corporation; <b>SAM DAVIS</b>, in her individual capacity; <b>CINDY LYSTAD</b>, in her individual capacity; <b>MARTHA MUTH</b>, in her individual capacity; <b>KAELIN MORKISCH</b>, in her individual capacity; and <b>MOLLY THOMAS</b>, in her individual capacity</p> <p>Defendants.</p> <p><b>Attorneys for Plaintiff:</b> Ciara M. Anderson, #55259 Qusair Mohamedbhai, #35390 Matthew J. Cron, #45685 Crist Smith Whitney, #56608 Aria S. Vaughan, #44479 Ian Ross, #56923 RATHOD   MOHAMEDBHAI LLC 2701 Lawrence St., Ste. 100 Denver, CO 80205 (303) 578-4400 (t) (303) 578-4401 (f) ca@rmlawyers.com; cw@rmlawyers.com; qm@rmlawyers.com; mc@rmlawyers.com; av@rmlawyers.com; ir@rmlawyers.com</p>	<p>DATE FILED December 31, 2025 7:20 PM FILING ID: ADD0FDA2E6E0B CASE NUMBER: 2025CV33258</p> <p>▲ COURT USE ONLY ▲</p> <p>Case No: Division:</p>
<p><b>COMPLAINT AND JURY DEMAND</b></p>	

Plaintiffs D.V., H.Y., and A.M.,<sup>1</sup> by and through counsel Ciara M. Anderson, Crist Whitney, Qusair Mohamedbhai, Matthew J. Cron, Aria S. Vaughan, and Ian Ross of RATHOD | MOHAMEDBHAI LLC, respectfully allege as follows:

## I. INTRODUCTION

This case concerns the cascading failures of The Joshua School (TJS), a school that holds itself out as the premier institution for children with autism and developmental disabilities, to protect three of the most vulnerable members of our community. For approximately six months, Littleton Public Schools (“LPS”) bus aide Kiarra Jones abused Plaintiffs D.V., H.Y., and A.M.—three students with profound, non-verbal autism—while transporting them to and from TJS. The abuse occurred during the most routine part of the school day, when these children were entirely dependent on adults to keep them safe.

Although Jones was employed by LPS, TJS was responsible for protecting D.V., H.Y., and A.M. Jones’s abuse did not persist because it was hidden or unknowable. It persisted because TJS—despite possessing the relevant information, repeated warnings, and institutional expertise—chose inaction, dishonesty, and self-preservation over its legal duty to safeguard the children entrusted to its care. TJS was the only entity with visibility into the full scope of what was happening, and it repeatedly failed to act.

TJS’s failure was not an isolated lapse in judgment; it was a systemic breakdown. Beginning in approximately September 2023, TJS staff observed significant behavioral changes in D.V., H.Y., and A.M., along with unexplained physical injuries, including scratches, bruises, a lost tooth, a fractured foot, and a black eye. In January 2024, D.V.’s mother raised urgent concerns that her son was being abused, possibly sexually abused. Rather than respond with transparency or comply with Colorado’s mandatory reporting laws, TJS leadership immediately sought to manufacture an innocent explanation and shifted blame onto D.V.’s purported self-injurious behavior. Internally, however, TJS employees acknowledged that D.V.’s injuries were inconsistent with self-harm and appeared to be caused by adult hands. Those conclusions were concealed from the family and from LPS. TJS delayed notifying LPS, and when it eventually requested a review of bus footage, TJS failed to provide critical information, including the correct dates of the abuse and whether D.V. was even present on the bus during the periods reviewed. This pattern of internal acknowledgment coupled with external deception allowed Jones’s abuse to continue unchecked.

Despite being the only adults with access to all critical information between September 2023 and March 2024, TJS staff failed to report suspected abuse to law enforcement or child protective services, as required by law. Former Denver Police Department Chief Paul Pazen

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<sup>1</sup> Plaintiffs’ initials are being used because they are minors.

reviewed the underlying facts of this case and confirms what the law already makes clear: TJS's failures were indefensible. Mandatory reporting laws are not discretionary. School officials are not permitted to screen allegations, conduct internal investigations in lieu of reporting, or decide whether concerns are "well-founded." Once there is reason to suspect abuse, the duty to report is absolute. Had TJS escalated even one of the many red flags it observed and discussed internally, law enforcement would have intervened, and the trauma inflicted upon D.V., H.Y., and A.M. would have been mitigated or prevented. The abuse continued only because no one at TJS did what the law required.

D.V., H.Y., and A.M.'s families did exactly what they were supposed to do. They entrusted their children to TJS because TJS promised to be the best—to provide safety, dignity, and care for their children who cannot speak for themselves. TJS failed that promise. This case seeks accountability for all of the things that TJS denied D.V., H.Y., and A.M.—acknowledgment of their suffering and for TJS to be held accountable for its role in their pain.

## **II. JURISDICTION, VENUE, AND PARTIES**

1. The Court has jurisdiction over this matter pursuant to C.R.S. § 13-1-124, as the alleged commission of tortious acts occurred within the State of Colorado.

2. Venue is proper in this Court pursuant to C.R.C.P. 98, as the allegations contained herein occurred within the boundaries of Arapahoe County.

4. Plaintiff **D.V.** appears through his parents Jessica Vestal and Devon Vestal, who are his legal guardians and next friends. D.V. has been diagnosed with Autism Spectrum Disorder, and he does not communicate verbally. D.V. is a resident of Colorado. At all times relevant to this complaint, D.V. was a special education student entrusted to the care of TJS.

5. Plaintiff **A.M.** appears through his parents Jessica McBride and Blake McBride, who are his legal guardians and next friends. A.M. has been diagnosed with Autism Spectrum Disorder, and he does not communicate verbally. A.M. is a resident of Colorado. At all times relevant to this complaint, A.M. was a special education student entrusted to the care of TJS.

6. Plaintiff **H.Y.** appears through his parents Brittany Yarbrough and Kevin Yarbrough, who are his legal guardians and next friends. H.Y. has been diagnosed with Autism Spectrum Disorder, and he does not communicate verbally. H.Y. is a resident of Colorado. At all times relevant to this complaint, H.Y. was a special education student entrusted to the care of TJS.

7. Defendant **The Joshua School or TJS** is a non-profit, K-12 school approved by the Colorado Department of Education that partners with LLPS to provide schooling to students with Autism and other developmental disabilities. Defendant TJS is responsible for the oversight, supervision, and training of TJS officials and personnel. At all relevant times, Defendant TJS

employed Defendants Cindy Lystad, Martha Muth, Samantha Davis, Molly Thomas, and Kaelin Morkisch.

8. Defendant **Samantha (Sam) Davis** is a resident of the United States and domiciled in Colorado. Defendant Davis was at all relevant times acting in her capacity as the Director of Schools at TJS. As the Director of Schools, Defendant Davis is responsible for overseeing TJS's day-to-day operations and ensuring student safety.

9. Defendant **Cindy Lystad** is a resident of the United States and domiciled in Colorado. Defendant Lystad was at all relevant times acting in her capacity as the Executive Director of Schools at TJS. As the Executive Director, Defendant Lystad is responsible for overseeing TJS's day-to-day operations and ensuring student safety.

10. Defendant **Martha Muth** is a resident of the United States and domiciled in Colorado. Defendant Muth was at all relevant times acting in her capacity as the Special Education Director at TJS. As the Special Education Director, Defendant Muth was responsible for staff management, training, and ensuring student safety.

11. Defendant **Molly Thomas** is a resident of the United States and domiciled in Colorado. Defendant Thomas was at all relevant times acting in her capacity as the Lead Teacher/Behavior Specialist at TJS. As the Lead Teacher, Defendant Thomas is responsible for directly overseeing classroom staff, reviewing incident reports and instances of physical management with the program director, data collection for students, and ensuring student safety.

12. Defendant **Kaelin Morkisch** is a resident of the United States and domiciled in Colorado. Defendant Morkisch was at all relevant times acting in her capacity as a teacher at TJS. As a teacher, Defendant Morkisch was responsible for directly overseeing students in the classroom, data collection for students, and ensuring student safety.

### **III. FACTUAL ALLEGATIONS**

13. D.V., H.Y., and A.M. are diagnosed with one of the most profound forms of Autism Spectrum Disorder ("autism").

14. All three boys are non-verbal and cannot communicate their needs using spoken language.

15. Because D.V., H.Y., and A.M. cannot verbally communicate what they need, they often communicate their needs in other ways such as distressed behavior, gestures, or crying.

16. D.V., H.Y., and A.M. are reliant on their parents and other caretakers for the most basic of human needs, such as using the bathroom, bathing, preparing food, and staying safe.

17. At all relevant times, D.V., H.Y., and A.M. were students in LPS on Individualized Education Plans (“IEP”). Per their IEPs, all three boys attended TJS, a school that specializes in providing intensive services to students with autism and developmental disabilities.

18. All three boys’ IEPs required LPS to provide them with transportation between their homes and TJS and a bus aide during transport.

19. In August 2023, LPS hired Kiarra Jones as a bus aide to assist with safely transporting students with special needs to and from TJS.

20. Shortly after LPS hired Jones for the TJS route, H.Y., A.M., and D.V. began exhibiting telltale signs of abuse, which TJS repeatedly discussed and documented.

21. After approximately six months of abuse, Jones was arrested for abusing D.V., H.Y., and A.M., and the Eighteenth Judicial District Attorney’s Office charged Jones with felony child abuse causing serious bodily injury, ten felony counts of assault in the third degree of an at-risk victim, and two misdemeanor counts of child abuse.

#### **TJS Knew or Should Have Known that H.Y. and A.M. were Abused on the Bus**

22. H.Y. began riding the bus to TJS in the mornings in August 2023 without issue.

23. In September 2023, shortly after Jones started as the bus aide on the TJS route, H.Y. came home with unexplained injuries on his foot prompting his mother to take him to an orthopedic doctor for X-rays.

24. H.Y.’s mother discussed the unexplained nature of H.Y.’s foot injury with TJS staff, including Lead Teacher Defendant Molly Thomas.

25. On September 6, 2023, X-rays confirmed that H.Y. had a displaced fracture of the third metatarsal shaft (i.e., a crack or break in one of the long bones in the middle of his foot).

26. According to medical experts, H.Y.’s fractured bone is consistent with injuries caused by forceful stomping on the foot.

27. TJS did not believe that H.Y.’s fracture was caused by self-injurious behavior (often referred to as “SIB”) but failed to inquire as to how H.Y. sustained such a serious injury to his foot.

28. Shortly after H.Y.’s foot was fractured, H.Y. and A.M. suddenly began displaying extreme behavioral changes when it was time to get on the bus.

29. For example, on **September 18, 2023, at 8:51 a.m.**, Mrs. Yarbrough reported to TJS, through Defendant Thomas, that H.Y. had a really good morning until they were waiting for the bus. When the bus came, H.Y. attempted to take his helmet off and bang his head on the window.

30. On **September 19, 2023**, Defendant Thomas documented that TJS staff also had concerns about A.M.’s morning ride on the bus.

31. That afternoon, A.M. refused to get on the bus, and TJS staff, including Defendant Thomas, witnessed Jones and the bus driver attempt to yank A.M. onto the bus by his arms and wrists. Because Jones and the bus driver were using force that TJS prohibited its own staff from using, TJS called another employee to assist with getting A.M. on the bus.

32. This was the first time that A.M. had refused to get on the bus.

33. Following this interaction, TJS manager Michele Sahling emailed the LPS dispatcher and TJS leadership—including Defendant Thomas and TJS Director of Schools Sam Davis—to confirm that TJS staff would get A.M. on and off the bus.

34. However, no TJS employee informed LPS that the bus staff had forcefully pulled A.M. onto the bus.

35. On **September 25, 2023**, TJS staff noticed that H.Y.’s limp had gotten noticeably worse. TJS still had no explanation as to why H.Y.’s limp significantly worsened and took no action to investigate the possibility that he was being abused.

36. On **September 26, 2023**, TJS staff documented that H.Y. had a significant limp, and his face was severely bruised.

37. On **September 27, 2023**, H.Y.’s mother, Mrs. Yarbrough, informed TJS staff that H.Y. had a “great night and fabulous morning” but that everything went haywire when it was time for H.Y. to get on the bus.

38. Later that morning, Defendant Thomas reported to Mrs. Yarbrough that H.Y. had been upset and engaging in high magnitude head-to-object self-injury as well as intensely punching his own chest. Defendant Thomas asked for more information from Mrs. Yarbrough, noting that she was concerned about H.Y.’s bruises and behavior changes.

39. Observing behavior changes for non-verbal children like Plaintiffs is critical for their caregivers, and it is equally critical to investigate the root cause of any behavioral changes to ensure the child’s safety.

40. However, Defendant Thomas took no further action to inquire into the source of or otherwise address her concerns that H.Y. displayed unexplained bruises and behavioral changes.

41. On **September 29, 2023**, Defendant Thomas again documented internally that TJS staff were increasingly concerned about escalating injuries to H.Y.'s body.

42. Despite acknowledging that H.Y. had a rise in unexplained injuries, TJS failed to take any action to determine the underlying causes or investigate their own concerns that H.Y. was being abused.

43. On **October 23, 2023**, H.Y. exited the bus at TJS with a noticeably bloody and battered ear. When questioned about H.Y.'s ear, Mrs. Yarbrough told Defendant Thomas that H.Y. had a good weekend and had not messed with his ear all weekend, but he was pretty upset when he got on the bus.



*TJS Photograph of H.Y.'s ear on October 23, 2023*

44. Defendant Thomas knew that H.Y.'s ear injury happened during the bus ride to school but did not know how the injury occurred, and, yet, failed to investigate how H.Y. sustained the injury.

45. Had TJS reported H.Y.'s injuries to LPS in September or October, Jones may have been stopped from abusing other students on the bus.

**TJS Staff Failed to Appropriately Respond to Reports of Abuse Between January and March 2024**

46. Emboldened by getting away with abusing students, including H.Y. and A.M., on the bus between September and December 2023, Jones continued her reign of terror against the boys, and D.V. in particular, immediately upon their return from winter break on January 9, 2024.

47. On Wednesday, January 10, 2024, TJS teacher Zach Blankenship messaged the staff that D.V. did not have any behavior issues until it was time to go home that day. None of the staff documented any bruises on D.V. for the day.

48. When D.V. returned home from school, his mother noticed bruises on his thighs and messaged TJS teacher Ellie Mancuso and Defendant Thomas to ask what caused the bruises.



*Bruising on D.V.'s thigh on January 10, 2024 (L) and January 11, 2024 (R)*

49. Mrs. Vestal raised concerns that someone may be abusing D.V. in the bathroom at TJS and further explained that the bruises were not on D.V.'s thighs when she got him dressed for school that morning.

50. Ms. Mancuso immediately sent her supervisor, Defendant Davis, the photos of D.V.'s bruises and screenshots of Mrs. Vestal's messages.

51. Ms. Mancuso initiated the conversation by informing Defendant Davis that "Jess is basically accusing us kindly of sexually abusing D.V."

52. As the TJS Director, Defendant Davis was responsible for supervising and advising Ms. Mancuso in this situation and had final decision-making authority about how the staff should handle Mrs. Vestal's complaint.

53. Rather than report Mrs. Vestal's allegation of sexual abuse to law enforcement or child protective services as required by law, Defendant Davis simply asked where the bruises came from, accepted the answer that placed the blame on D.V., and moved on.

54. Defendant Davis had the following short exchange with Ms. Mancuso:

DAVIS: Do we have any idea what the bruises are from?

MANCUSO: Kenlie says sib

DAVIS: I'd recommend that we send her the SIB data and apologize that it was missed on his back and forth and ask if she wants to schedule a time to chat about feeling disconnected / worried.

55. Defendant Davis did not do any independent inquiry about the details of D.V.'s purported self-injurious behavior that would have caused these bruises nor speak to the staff member who reported that it was SIB before she D.V. advised Ms. Mancuso on how to respond to Mrs. Vestal.

56. TJS staff incorrectly determined that D.V.'s bruises were caused by his own self-injurious behavior, even though there was no contemporaneous incident report documenting SIB from that day, as required under TJS policy.

57. When Ms. Mancuso responded to Mrs. Vestal as Defendant Davis directed her to, she made several statements that call into question the reasonableness of any TJS staff blaming D.V. for his injuries. Ms. Mancuso told Mrs. Vestal:

Yesterday [1/9] D engaged in pretty significant SIB, [sic] **however it's hard to say from the picture if that would have caused the bruises.** Today he had an amazing day but after packing up and on his way to dismissal he did engage in some SIBs. The back and forth was already packed up, which is why [the SIBs reported on 1/10] weren't documented. . . Staff said that they noticed the bruises this morning and afternoon, and assumed that it had already been addressed as it appeared he came with them. . . **From the picture the bruises almost look like his legs got pinched. Is it possible this could have been from the bus seat?** I've only observed D hitting his legs, does he have any history of pinching himself as SIB?

58. Despite having no sound explanation for D.V.'s injuries, TJS staff undertook no further investigation into their source.

59. TJS staff discussed internally their belief that D.V. was injured on the bus, yet did not inform LPS of this possibility.

60. Mrs. Vestal did not send D.V. to school on Thursday, January 11, 2024, because she still had no explanation for D.V.'s injuries.

61. **On Friday, January 12, 2024**, D.V.'s mother dressed him for school and did not observe any bruises on his arms. She drove him to school, so D.V. only rode the bus home from school that day.

62. **On Sunday, January 14, 2024**, Mrs. Vestal noticed new, unexplained bruises on D.V.'s arms when she bathed him that morning.



*Bruising on D.V.'s arms on January 14, 2024*

63. Mrs. Vestal again immediately reported her concern that D.V. was being abused to Ms. Mancuso and included photos.

64. Ms. Mancuso again immediately reported Mrs. Vestal's concerns to Defendant Davis, and they had the following exchange:

MANCUSO: Sammy Jess [V] is blowing me up right now with bruises pictures that are not really explainable from SIB and staff didn't write an incident report for them.

MANCUSO: Molly [Thomas] gave him a fucking sub Friday And Caylynn

DAVIS: Which sub?

MANCUSO: Lauren  
The brand new one like what in the fuck  
Obviously they wouldn't know to write a report  
Idk what to tell her  
I told her we would check the lobby cams  
I mean that's def[initely] from someone grabbing him

DAVIS: Tell her we will look into fully and do staff interviews first thing on Tuesday

DAVIS: And extend the most sincere apologies, let her know our staff are all trained in physical management and we will do a full refresher with the primary program on Tuesday as well.

DAVIS: Let's also beef up our ABA 101 slides to include some info about never grabbing students, etc.

MANCUSO: Yes to all of the above  
Okay that seemed to calm her down. Thank you

DAVIS: Keep me posted!! I looped [Martha Muth] and Cindy [Lystad] in so they're aware

65. Defendant Davis's immediate reaction to Mrs. Vestal making another report just three days after she raised concerns that D.V. may have been sexually abused at TJS was to look into it herself more than 48 hours after receiving the report.

66. TJS' common practice is not to immediately report allegations of child abuse to law enforcement or child services, but to investigate the allegations internally.

67. Defendant Lystad (Executive Director), Defendant Martha Muth (Special Education Director), and Defendant Davis (Director of Schools) hold the top three leadership positions at TJS and all failed to report that Mrs. Vestal was reporting that her son was being abused.

68. Defendant Davis knew that D.V. may have been abused and even acknowledged the possibility that a TJS staff member may have hurt D.V. by grabbing him improperly.

69. Perhaps worse, Defendant Davis and Ms. Mancuso continued their exchange and conceded that D.V. did not cause the injuries to himself:

DAVIS: The bruises look bad.

MANCUSO: Yeah. Like the arms are def[initely] fingers/hands

DAVIS: Does he ever grab his own arms??

MANCUSO: No

DAVIS: That's the only less scary explanation I can think of

MANCUSO: I've already gone through all possible scenarios for the arms and I really don't see how his SIB would have left that. Like even if he was flopping his full body like [minor] does, it would be on both arms.

MANCUSO: [Mrs. Vestal] thinks it's from the initial day with the legs.

70. Defendant Davis and Ms. Mancuso speculated that a TJS teacher may have caused D.V.'s injuries but did not report it.

71. Despite confirming that D.V. could not have caused his own injuries, in the same text exchange Defendant Davis provided Ms. Mancuso and Defendant Thomas guidance on how to fill out an incident report documenting that D.V. engaged in SIB on January 9 and 10, 2024.

72. The incident report was finalized and approved after Ms. Mancuso and Defendant Davis's January 14 text exchange, but it did not include information on D.V.'s bruises on his arms and falsely blamed D.V. for the bruises on his thighs.

73. Despite TJS employees recognizing that D.V.'s bruises were not self-inflicted and may have occurred on LPS's bus, TJS waited three more days before reporting the injury to LPS.

74. **On Wednesday, January 17, 2024**, one week after the injuries first appeared, Defendant Davis interviewed TJS staff who worked with D.V. the previous week.

75. During the interviews, Defendant Davis learned that no TJS staff observed bruises on D.V.'s arms when he attended school on Friday, nor did they observe D.V. grabbing his arm during the school day.

76. After consulting with Defendant Muth, Defendant Davis inquired into whether D.V. took any medication that caused bruising, creating a baseless theory that some unknown medication caused D.V.'s bruising.

77. Mrs. Vestal confirmed, however, that D.V. did not start any new medications that could cause bruising.

78. Ignoring Mrs. Vestal, Defendants Muth and Davis advanced this baseless theory to Lisa Bodek when they asked her to reach out to LPS transportation.

79. On January 17, 2024, Ms. Bodek emailed LPS Director of Transportation Marcy Phelps, LPS Transportation Office Manager Lisa Thursby, and Defendant Davis to request that Phelps and Thursby review video from the bus to determine if D.V. was injured on the bus.

80. Ms. Bodek's email demonstrates Defendant Davis and Defendant Muth's failure to accurately report critical details about D.V.'s abuse. For example, Ms. Bodek reported that Mrs. Vestal noticed some bruises on his arm, neck, and thigh on Friday, January 12, 2024. However, Mrs. Vestal first reported the bruises on Wednesday, January 10, 2024.

81. Ms. Bodek also referred to TJS' medication theory, relaying to LPS that, "it sounds like he takes some medication that can cause bruising or make it more likely for him to bruise and we are just trying to figure out what happened....if anything."

82. Because TJS did not provide accurate information to LPS, they did not review the surveillance for January 9 or 10.

83. On January 18, 2024, LPS Operations Supervisor Michelle Molina responded that LPS reviewed the video from the ride home on Friday, January 12, 2024, and determined that nothing out of the ordinary occurred.

84. LPS also reportedly reviewed the video from January 11, 2024—but failed to recognize that D.V. was not on the bus—and reported that nothing happened to him on this date either.

85. When Defendant Davis learned that LPS only reviewed video from January 11 and 12, she still did inform LPS that the first bruises appeared on D.V. on January 10, 2024, and that they believed the physical abuse occurred on January 9 or 10.

86. Upon information and belief, TJS also did not provide any further information about D.V. to LPS such that they could recognize him on the bus. Mrs. Vestal did not send D.V. to school on January 11, so he was not on the bus on one of the dates that LPS reviewed.

87. TJS failed to notify LPS that D.V. was not on the bus on the date that they reviewed.

88. Although D.V.'s bruises were still unexplained, and TJS staff acknowledged that his injuries were not a result of self-injury, TJS failed to report the possibility of abuse to authorities.

89. In fact, TJS reverted back to blaming D.V. for his injuries without any justification and lied to Mrs. Vestal about their own beliefs that his self-injurious behavior did **not** cause the injuries.

90. On **January 25, 2024**, Defendant Thomas noticed an unexplained scratch on D.V.'s neck and messaged Mrs. Vestal.

91. Mrs. Vestal explained that D.V. did not have a scratch on his neck that morning before school and confirmed as much with a photograph she provided Defendant Thomas. Mrs. Vestal also told Defendant Thomas that D.V. may have gotten the cut on the bus.

92. Defendant Thomas did not further inquire nor report D.V.'s unexplained injuries that she knew happened while he rode the bus.

93. That same day, TJS teacher Kaelin Morkisch noticed an unexplained scratch on H.Y.'s back and messaged Mrs. Yarbrough.

94. Mrs. Yarbrough responded that H.Y. did not have any scratches that morning when she got him dressed, and she was confident that he did not get the scratch at home because she had spent time rubbing his back that morning. Mrs. Yarbrough asked whether the bus driver reported anything, and Ms. Morkisch said that she would ask the bus driver about the scratch the next day, leaving Mrs. Yarbrough with the belief that Ms. Morkisch would investigate the injury and ensure H.Y.'s safety.

95. Defendant Morkisch did not ask the bus driver about the scratch; she conducted no further inquiry into the injury and did not otherwise report the unexplained scratch on H.Y.'s back.

96. Had either Defendant Thomas or Defendant Morkisch reported the boys' injuries, which they knew happened on the bus, they could have prevented months of Jones's escalating abuse.

97. Bus surveillance video shows Jones repeatedly abusing D.V. and A.M. beginning January 26, 2024.

98. On **Friday, January 26, 2024**, video shows Jones poke, hit, pinch, and inappropriately touch A.M. throughout the bus ride home.

99. On **Monday, January 29, 2024**, Jones abused D.V. during the morning and afternoon bus rides. Jones played with D.V.'s hair inappropriately; pinched and scratched D.V.'s eyes, neck, face, and ears repeatedly; slapped the back of D.V.'s head forcefully; punched him in the mouth with a closed fist at least twice; forced her fingers into his mouth; and scratched, squeezed, and pinched D.V.'s face, neck, and shoulders.

100. On **Tuesday, January 30, 2024**, Defendant Thomas documented another unexplained scratch on the back of D.V.'s neck, which Mrs. Vestal told her she did not see when she washed and brushed D.V.'s hair that morning before he got on the bus. Defendant Thomas failed to further inquire into the source of D.V.'s injury.

101. On **Friday, February 2, 2024**, D.V. did not ride the bus, and Jones turned her abuse to A.M. Throughout the morning ride, Jones pinched and squeezed A.M.'s arms and hands.

102. On **Friday, February 9, 2024**, Defendant Thomas documented that D.V. was highly dysregulated throughout the afternoon, damaging property and appearing uncomfortable in his body. That afternoon on the bus, Jones began abusing him before the bus even left the TJS parking lot.

103. On **Monday, February 12, 2024**, Jones sat next to D.V. She elbowed him in the chest, pinched his thighs, and scratched his hair and neck.

104. When D.V. arrived at school, TJS staff noticed that D.V. engaged in self-injurious behavior and then began sobbing. TJS staff communicated to Defendant Thomas, "I have never seen him cry like this."

105. On **Tuesday, February 13, 2024**, Jones began abusing D.V. before the bus even left the TJS parking lot. Surveillance video shows the following:

- a. At 2:51:53 p.m., as Jones took a seat beside D.V., she began abusing him before she was fully seated, immediately using her hand to force his head toward the floor.
- b. At 2:54:52 p.m.—before the bus left TJS's parking lot—Jones punched D.V. twice in the face with a closed fist.
- c. At 2:58:45 p.m., Jones punched D.V. in the face twice with a closed fist so hard that his head snapped backward; she then elbowed him in his chest.
- d. At 3:00:51 p.m., Jones slammed her elbow into D.V.'s chest twice, jolting his body backwards.
- e. At 3:01:13 p.m., Jones slammed her elbow into D.V.'s chin, knocking his head backwards.
- f. At 3:01:57 p.m., Jones yanked D.V.'s hair so hard that his head jolted backwards. Jones proceeded to stroke D.V.'s face, scratch his hair, and pinch his lower body.
- g. At 3:03:51 p.m., Jones held D.V.'s left arm behind his back and elbowed him in the chest. As D.V. struggled to gain control of his arm, Jones aggressively shoved

D.V.'s head into the window and pinched the back of his head several times. Jones then forced D.V. down below the seat, punched him in the back with a closed fist, and caused his seatbelt to choke him.

- h. At 3:04:50 p.m., Jones grabbed D.V.'s chin, forced his head down, and slapped him on the back so hard it made a loud sound. A few seconds later, Defendant Trerotola glanced in the rearview mirror and waved her hand in the air to indicate that the bus smelled.
- i. At 3:06, Jones put her arms around D.V. and forcefully pushed his head toward the floor twice. When Jones let D.V. sit up again, he was crying. Jones then elbowed D.V. in the head, causing him to jolt forward.
- j. At 3:07 p.m., Jones forced D.V.'s head toward the floor, and D.V. audibly cried while struggling against Jones's abuse.
- k. At 3:13 p.m., Jones again forcefully held D.V.'s head down with both of her hands, and D.V. struggled to sit back up against Jones's weight. Jones held D.V. down for approximately 17 seconds.
- l. At 3:14:38, Jones pushed D.V.'s head forward, then grabbed his head with both hands and forced him down toward the floor. As she held D.V. down, she pulled his hair. D.V. continued to audibly cry from the abuse.
- m. At 3:15:02, Jones again forced D.V.'s head below the seat, and he struggled to get up.
- n. At 3:16:18, Jones forcefully grabbed D.V. and yanked him forward. She then elbowed D.V. in the stomach.
- o. At 3:16:37, Jones repeatedly elbowed D.V. and punched his legs.
- p. At 3:17:36 p.m., Jones reached across the aisle to yank A.M.'s hair. Jones then elbowed D.V. in the torso and backhanded D.V. in the mouth.
- q. At 3:19:04 p.m., Jones again grabbed D.V. by the back of the neck and forcefully shoved him below the seat and held him down for approximately twenty seconds. As Jones shoved D.V. down, his seatbelt choked him. When Jones allowed D.V. to sit up, she struck him with her forearm then punched him with a closed fist twice.
- r. At 3:19:38, Jones again forced D.V.'s head down below the seat, choking him with his seatbelt.

- s. At 3:20:32, Jones hit D.V. in the abdomen.
- t. At 3:23:18 p.m., Jones punched D.V. in the chin twice so hard that his head snapped backward. Jones then hit D.V. in the abdomen and face.
- u. At 3:23:56, Jones again punched D.V. in the chin with a closed fist.
- v. At 3:24:07, Jones punched D.V. in the thigh.
- w. At 3:24:22 p.m., Jones again forced D.V. down toward the floor and punched him several times in the back and face.
- x. Between 3:26 and 3:28 p.m., Jones kicked and stomped on D.V. multiple times.
- y. At 3:30:18 p.m., Jones grabbed and poked D.V.'s face. She then shoved his head down toward the floor, choking him with his seatbelt. When D.V. was able to sit back up, Jones again stomped on his foot with all of her weight. D.V. can be heard whimpering.

106. The manner in which Jones stomped on D.V. in this video is consistent with the type of abuse that would have caused H.Y.'s bone fracture on September 6, 2023.

107. While D.V. was still on the bus on February 13, 2024, Jones texted Mrs. Vestal that D.V. had hit himself in the eye with a toy.

108. Mrs. Vestal immediately informed Defendant Thomas about the incident with the toy, so the school knew where the injury occurred once D.V. arrived at school the next day.

109. When D.V. got off the bus, Mrs. Vestal noticed that he had several scratches, bruises, and cuts on his neck that could not have been caused by the toy or his seatbelt rubbing him.

110. Mrs. Vestal immediately sent pictures of D.V.'s neck to Defendant Thomas and asked how he got the injuries.

111. Defendant Thomas responded that the scratches looked really painful and appeared to be fresh, and asked Mrs. Vestal whether the bus personnel said anything to her.

112. Defendant Thomas confirmed that none of the TJS staff saw any scratches on D.V. while he was at school.

113. Despite acknowledging that D.V. was injured during the bus ride home, Defendant Thomas failed to report the possibility of abuse to LPS, law enforcement, or otherwise investigate the source of D.V.'s injuries.

114. On **Wednesday, February 21, 2024**, Defendant Thomas observed significant bruising on D.V.'s shin and noticed that D.V. was not acting as he typically did. She again did nothing.

115. On **Monday, February 26, 2024**, Jones shoved D.V.'s face into the window and repeatedly struck him with her elbow.

116. When D.V. arrived at school, Defendant Thomas saw scratches and bruises on D.V.'s arm.

117. Mrs. Vestal notified Defendant Thomas that D.V. did not have the scratches before getting on the bus.

118. Defendant Thomas acknowledged that the scratches occurred while D.V. was on the bus. Nevertheless, she did not report the injuries nor investigate how D.V. came to have scratches between leaving home and arriving at school.

119. On **Thursday, February 29, 2024**, minutes after D.V. boarded the bus, Jones grabbed the back of his neck, shoved his face below his seat forcefully, and held him there for approximately twenty-eight seconds, while choking him with his seatbelt. Jones then repeatedly thrust her elbow into D.V.'s side and abdomen.

120. When D.V. arrived at TJS, Defendant Thomas recognized that D.V. was having a "tough morning" and asked Mrs. Vestal whether anything out of the ordinary happened at home. Mrs. Vestal told Defendant Thomas that D.V. was happy when he woke up and had only had a tough time the day before when he got off the bus.

121. Later that afternoon, Defendant Thomas noticed that D.V. had bruises on his right foot. Defendant Thomas did not report these unexplained bruises to her supervisors or the police.

122. On **Friday, March 1, 2024**, Mrs. Vestal informed Defendant Thomas that D.V. returned home from school with a giant wad of gum stuck in his hair. Defendant Thomas did not investigate where the gum came from or how it ended up in D.V.'s hair.

123. On **Monday, March 4, 2024**, TJS staff observed new bruises on D.V.'s arms and again failed to investigate how he got them.

124. On **Monday, March 18, 2024**, surveillance video captured Jones brutally beat D.V. once again. Jones elbowed him in the chest, stomped his foot, and punched his legs several times, and in the face with her right hand three times.

125. When D.V. got off the bus to go home, he already had deep red and blue bruises on the proximal side of his foot.

126. Mrs. Vestal immediately texted Defendant Thomas to ask where D.V.'s bruises came from. Defendant Thomas replied that she was with D.V. at 12:30 pm and saw him barefoot with no bruises.

127. Defendant Thomas further informed Mrs. Vestal that the afternoon staff had helped him put his socks and shoes on before dismissal and did not see any bruises.

128. Defendant Thomas determined that D.V.'s injuries must have happened on the bus ride home and said that she would check with the bus staff in the morning to see if they noticed anything that would have caused the bruises.

129. Defendant Thomas again failed to report her suspicion that D.V. was injured on the bus to LPS, law enforcement, or other appropriate authorities.

130. Frustrated by months of unexplained injuries to her son and TJS's repeated unfulfilled promises to check with bus personnel, Mrs. Vestal called LPS Director of Transportation Marcy Phelps directly to request that LPS review video from D.V.'s March 18, 2024 bus ride.

131. On **March 19, 2024**, after reviewing the surveillance video from the previous day, LPS contacted the police to report that Jones assaulted D.V. on March 18, 2024.

132. The Englewood Police Department reviewed only three days of surveillance video—February 13, 2024; March 1, 2024; and March 18, 2024—and found sufficient evidence to arrest Jones for abusing D.V. and A.M.

133. Additional surveillance video revealed that Jones's abused D.V. and A.M. consistent with the type of abuse that caused the fractured bone in H.Y.'s foot. In providing the basis for a “serious bodily injury” charge under Colorado criminal law, Dr. Kevin Blue, a podiatrist whose practice focuses on diagnosing and treating conditions of the foot and ankle, opined that H.Y.'s fracture was traumatic, not self-injurious, and Jones's likely caused in a manner similar to D.V.'s fracture.

#### **TJS's Deficient Policies and Trainings Led to a Pattern of Not Reporting Suspected Abuse**

134. Defendant TJS holds itself out as Colorado's premier educational institution for children with autism. The school prides itself on providing a highly individualized classroom model that includes 1:1 or 1:2 student/staff ratios that allows its staff to address the specific needs of each student.

135. Yet, TJS's formal policies were deficient and permitted TJS employees to violate Colorado law.

136. Colorado law requires school officials to immediately report suspected child abuse or neglect to the county department, law enforcement, or through a child abuse reporting hotline. *See C.R.S. § 19-3-304(1)(a), (2)(l).*

137. At all relevant times, TJS had no policy requiring that school employees report suspected child abuse or neglect to law enforcement or other appropriate channels.

138. Instead of a policy requiring employees to comply with Colorado law, TJS's written policy instead directed its employees to refer all complaints to the Executive Director for investigation and remediation.

139. Even when there is a grave risk of a student death, TJS directs its employees to notify a program director or school administrator to determine whether they will make a report to Child Protective Services.

140. By instructing TJS employees to report complaints only internally, TJS implicitly instructs employees not to follow their obligations under Colorado's mandatory reporting law.

141. TJS further failed to provide sufficient training for its staff to recognize and respond to signs of abuse, neglect, or exploitation. As a result, school employees took no action in response to alarming and repeated signs of abuse to Plaintiffs.

142. As early as September 2023, TJS staff, including Defendants Thomas, Davis, Muth, and Lystad, knew that H.Y. had unexplained limping and injuries that occurred on the bus.

143. Also in September 2023, TJS staff knew that bus staff were using inappropriate force to get A.M. on the bus.

144. Despite several TJS staff observing almost daily injuries consistent with abuse, which they flagged and documented internally beginning in September 2023, TJS staff failed to protect D.V., H.Y., and A.M. and never reported any of Plaintiffs' injuries to the county department, the child abuse reporting hotline, or law enforcement as required by law.

145. Had TJS responded reasonably at any point between September 2023 and January 2024, D.V., H.Y., and A.M. would have been protected from months of ongoing abuse from January 2024 to March 18, 2024.

146. Beginning in January 2024, D.V.’s mother reported multiple concerns of suspected abuse to TJS administrators, including potential sexual abuse by TJS staff. Mrs. Vestal’s reports included specific incidents where D.V. exhibited signs of distress, unexplained injuries, and behavioral changes, which suggested abuse. These concerns were communicated in emails, meetings, and text messages, but TJS took no steps to investigate or resolve her concerns, even when their limited inquiries showed D.V. did not injure himself.

147. TJS knew or should have known their students were injured while on the bus to and from school as evidenced by TJS’s own internal documentation, including bruises on D.V. on January 11, 2024; deep scratches on D.V. and H.Y.’s necks on January 25, 2024; scratches on D.V.’s neck on January 30, 2024; scratches on D.V. on February 9, 2024; bruises on D.V.’s shin on February 21, 2024; bruises on D.V.’s arm on February 26, 2024; bruises on D.V.’s foot on February 29, 2024; and deep bruises on D.V.’s foot on March 18, 2024.

148. In response to this documented abuse, TJS sought only to clear its name. For example, in January, rather than properly reporting their suspicion that D.V. suffered abuse, the TJS Defendants sought out a “less scary” explanation, then manufactured a post-hoc report to attribute his injuries to self-injury, while failing to provide accurate information to LPS to inform its review of surveillance video. Moreover, they failed to report the months-long, glaring pattern of injuries that occurred on the bus.

149. TJS also knew that Plaintiffs exhibited significant behavior changes relating to the bus, as evidenced by their daily behavior data records.

150. TJS has not meaningfully investigated or disciplined its staff for mistreating students and deliberately protected its own staff who have mistreated students.

151. For example, one staff member who worked directly with D.V. and H.Y. had multiple write-ups for mistreating students. After the Department of Justice notified TJS that it was investigating the school, TJS deleted this teacher’s write ups. Upon information and belief, the teacher is still employed at TJS.

152. TJS staff also caught a TJS teacher inappropriately touch and take pictures of A.M. in September 2023 but did not report it to law enforcement.

153. Another TJS teacher had D.V. straddle her lap. TJS leadership learned of this inappropriate behavior but did not punish the teacher or report her to law enforcement.

### **D.V., H.Y., and A.M. Suffered Significantly**

154. TJS's actions and omissions caused Plaintiffs to undergo significant and unnecessarily prolonged physical, psychological, and emotional injury, the full extent of which may not be known at this time.

155. The long-lasting, permanent impact of experiencing abuse is significant for any victim or survivor, no matter their age. And for children, the impacts of abuse are worse. This is because children's brains are not fully developed, and traumatic events in childhood and adolescence cause stress to the development of the brain and subsequently to the body.

156. For children with autism, research shows that there are permanent, physical changes in their brains. The structural differences between the brains of individuals with autism and neuro-typical individuals who experience trauma are significant. Plaintiffs will likely continue to require long-term therapy and trauma services to address the prolonged abuse they endured as a result of TJS' negligence, failure to report, negligent infliction of emotional distress, and misrepresentations.

157. Given the abuse and TJS' callous disregard for such abuse, D.V., H.Y., and A.M. suffered trauma, nightmares, and significant anxiety when it came to traveling to and from school.

158. D.V., A.M., and H.Y. have each exhibited behavioral regressions causally related to Defendants' failure to report abuse, including problems separating from their parents, increased bedwetting, and increased physical aggression.

159. D.V., A.M., and H.Y. also suffered from increased triggers and reminders of the abuse they suffered while on the bus, increased injurious behaviors, depressive symptoms, anxiety, and withdrawal.

160. D.V. and H.Y. have been diagnosed with Post-Traumatic Stress Disorder (PTSD).

161. A.M. has been diagnosed with Trauma and Stressor Related Disorder.

162. D.V., A.M., and H.Y. have all been withdrawn from TJS, and now require even more support, time, and services.

IV. **CLAIMS FOR RELIEF**

**FIRST CLAIM FOR RELIEF**

**NEGLIGENCE PER SE – CHILD PROTECTION ACT – C.R.S. § 19-3-301, *et seq.***

(Against all Defendants)

149. Plaintiffs hereby incorporate all other paragraphs of this Complaint as if fully set forth herein.

150. “[N]egligence per se occurs when the defendant violates a statute adopted for the public's safety and the violation proximately causes the plaintiff's injury.” *Scott v. Matlack, Inc.*, 39 P.3d 1160, 1166 (Colo. 2002)

151. C.R.S. § 19-3-304 provides that:

[A school employee] who has reasonable cause to know or suspect that a child has been subjected to abuse or neglect or who has observed the child being subjected to circumstances or conditions that would reasonably result in abuse or neglect shall immediately upon receiving the information report or cause a report to be made of the fact as soon as reasonably possible, but no later than twenty-four hours after receiving the information, to the county department, the local law enforcement agency, or through the child abuse reporting hotline system.

C.R.S. §§ 19-3-304(1)(a), (2)(l).

149. At all relevant times, Plaintiffs were minors under the age of eighteen.

150. Defendants Davis, Lystad, Morkisch, Muth, and Thomas were all school employees within the meaning of C.R.S. § 19-3-304(2)(l).

151. The general assembly's intent in enacting the Child Protection Act was to ensure the complete reporting of child abuse to protect the best interest of children and to offer protective services in order to prevent any further harm to a child suffering from abuse. C.R.S. § 19-3-302(1).

152. As such, Plaintiffs are members of the group of persons that the statute was intended to protect.

153. Defendants had reasonable cause to know or suspect that each Plaintiff had been subjected to abuse or neglect and/or had observed the children subjected to circumstances or conditions that would reasonably result in abuse or neglect. By way of example:

- a. In September 2023, TJS staff, including Defendants Thomas and Davis, knew that bus personnel used improper force on A.M. when they attempted to yank A.M. onto the bus by his arms and wrists.
- b. Also in September 2023, TJS documented H.Y.'s increased, unexplained bruises, limping, and behavioral changes.
- c. On January 10, 2024, Defendants Davis and Thomas knew that D.V.'s mom alleged that D.V. may have been sexually abused at school, and had unexplained bruises on his thighs not consistent with self-injury.

- d. On January 14, 2024, Defendants Davis, Thomas, Muth, and Lystad knew that D.V. had bruises that were not explained by SIB, were “definitely] from someone grabbing him,” and “look[ed] bad.”
- e. On January 25, 2024, Defendant Thomas knew that D.V. had an unexplained scratch from the bus ride to school, and Defendant Morkisch knew that H.Y. had an unexplained scratch from the bus ride to school.
- f. On February 13, 2024, Defendant Thomas knew that D.V. had scratches that “looked really painful and appeared to be fresh” after his bus ride home and knew that D.V. did not have the scratches before getting on the bus.
- g. On March 4, 2024, TJS staff discovered bruises on D.V.’s arms that he did not inflict upon himself.
- h. On March 18, 2024, Defendant Thomas knew that D.V. was abused on the bus and promised to follow up with bus personnel the next day.

154. Defendants’ willful failure to report any of the reasonable instances in which they knew or should have known Plaintiffs were subjected to abuse violated the statute. Indeed, Defendants willfully lied so that they could excuse the abuse on self-injury.

155. As a direct and proximate result of the actions and inactions of Defendants, D.V., H.Y., and A.M. have suffered past and future economic and non-economic damages including, but not limited to, medical expenses, out of pocket expenses, pain and suffering, inconvenience, emotional distress, mental anguish, humiliation, loss of enjoyment of life, and permanent impairment as further described herein, the amounts of which will be proven at trial. *See also* C.R.S. § 19-3-304(4).

**SECOND CLAIM FOR RELIEF**  
**NEGLIGENCE**  
(Against all Defendants)

156. Plaintiffs hereby incorporate all other paragraphs of this Complaint as if fully set forth herein.

157. Defendants Davis, Lystad, Morkisch, Muth, and Thomas (Individual Defendants) were acting within the course and scope of their employment with TJS.

158. Individual Defendants were in a special relationship with Plaintiffs as school officials who cared for vulnerable students with disabilities.

159. Individual Defendants had a duty to Plaintiffs to provide a reasonably safe environment and to adequately hire, train, and supervise school employees to ensure Plaintiffs' safety.

160. Individual Defendants owed Plaintiffs a duty to exercise the degree of care, skill, caution, diligence, and foresight exercised by and expected of school officials in similar situations.

161. Individual Defendants breached their duty of reasonable care to Plaintiffs when, among other things, they ignored signs of abuse, failed to intervene and report the abuse they observed or had knowledge of, failed to reasonably respond to complaints of abuse, and failed to train or supervise their employees on reporting abuse, and/or set policies for TJS employees in a manner that reasonably protected students like Plaintiffs from abuse.

162. Individual Defendant knew or should have known that Plaintiffs were exhibiting signs of clear abuse, and such signs were documented by the Defendants.

163. Individual Defendants knew or should have known that the lack of adequate training and supervision, intervention of abuse, and failure to set reasonable policies, was likely to harm students like Plaintiffs who could not protect themselves.

164. As a direct and proximate result of the actions and inactions of Defendants, D.V., H.Y., and A.M. have suffered past and future economic and non-economic damages including, but not limited to, medical expenses, out of pocket expenses, pain and suffering, inconvenience, emotional distress, mental anguish, humiliation, loss of enjoyment of life, and permanent impairment as further described herein, the amounts of which will be proven at trial.

**THIRD CLAIM FOR RELIEF**  
**NEGLIGENT SUPERVISION / TRAINING**  
(Against Defendants Lystad, Muth, Thomas, and Davis)

165. Plaintiffs hereby incorporate all other paragraphs of this Complaint as if fully set forth herein.

166. Defendants Lystad, Muth, Thomas, and Davis were acting within the course and scope of their employment as leaders with final decision-making authority within TJS.

167. Defendants Lystad, Muth, Thomas, and Davis were in a special relationship with Plaintiffs.

168. Defendants Lystad, Muth, Thomas, and Davis owed Plaintiffs a duty of reasonable care in their supervision and training of TJS employees.

169. Given the nature of employees' duties within TJS, and the risk of harm to the public and students with disabilities, TJS Defendants owed a duty to exercise reasonable care in supervising and training employees, including Defendant Thomas, to ensure that their conduct was consistent with the standards for TJS employees, that they would be able to identify abuse and respond appropriately to clear evidence of abuse in their duties as mandatory reporters.

170. TJS Defendants knew or should have known that there is a higher likelihood of abuse for students with disabilities who cannot report the abuse verbally.

171. TJS Defendants had a duty to supervise and train TJS employees regarding abuse and mandatory reporting requirements.

172. TJS Defendants breached their duties by completely failing to train, monitor, and supervise its employees that had credible allegations of serious abuse.

173. TJS Defendants further breached their duties to Plaintiffs by failing to discipline TJS employees for wrongdoing.

174. As a direct and proximate result of the actions and inactions of Defendants, D.V., H.Y., and A.M. have suffered past and future economic and non-economic damages including, but not limited to, medical expenses, out of pocket expenses, pain and suffering, inconvenience, emotional distress, mental anguish, humiliation, loss of enjoyment of life, and permanent impairment as further described herein, the amounts of which will be proven at trial.

**FOURTH CLAIM FOR RELIEF**  
**NEGLIGENT MISREPRESENTATION**

(Plaintiff D.V. against Defendants Thomas, Lystad, Muth, Davis)  
(Plaintiff H.Y. against Defendant Morkisch)

175. Plaintiffs hereby incorporate all other paragraphs of this Complaint as if fully set forth herein.

176. Defendants Thomas, Lystad, Muth, and Davis explicitly and/or implicitly represented to D.V., through his mother, that they would ensure D.V.'s safety by reporting abuse to ensure an environment free from abuse.

177. Defendants Thomas, Lystad, Muth, and Davis had a duty to act reasonably in providing these representations.

178. D.V. and his mother relied upon these representations to their detriment.

179. Defendants Thomas, Lystad, Muth, and Davis breached their duty by failing to exercise reasonable care and failing to report abuse to LPS.

180. Defendant Morkisch explicitly and/or implicitly represented to H.Y., through his mother, that they would ensure H.Y.'s safety by reporting abuse to LPS to ensure an environment free from abuse.

181. Defendant Morkisch had a duty to act reasonably in providing these representations.

182. H.Y. and his mother relied upon these representations to their detriment.

183. Defendant Morkisch breached her duty by failing to exercise reasonable care and failing to report abuse.

184. As a direct and proximate result of these negligent misrepresentations, D.V. and H.Y. have suffered past and future economic and non-economic damages including, but not limited to, out of pocket expenses, pain and suffering, inconvenience, emotional distress, mental anguish, humiliation, loss of enjoyment of life, and impairment in the quality of life as further described herein, the amounts of which will be proven at trial.

**FIFTH CLAIM FOR RELIEF**  
**NEGLIGENT INFILCTION OF EMOTIONAL DISTRESS / OUTRAGEOUS CONDUCT**  
(Against All Defendants)

185. Plaintiffs hereby incorporate all other paragraphs of this Complaint as if fully set forth herein.

186. Defendants engaged in reckless and negligent conduct.

187. Defendants' reckless and negligent conduct created an unreasonable risk of harm to Plaintiffs.

188. Plaintiffs suffered extreme trauma and injuries when Defendants failed to report abuse to LPS or authorities pursuant to the mandatory reporting statute.

189. As a direct and proximate result of the actions and inactions of Defendants, D.V., H.Y., and A.M. have suffered extreme emotional distress, pain and suffering, inconvenience, mental anguish, humiliation, loss of enjoyment of life, and permanent impairment as further described herein, the amounts of which will be proven at trial.

V. **PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiffs respectfully request that this Court enter judgment in their favor and against each of the Defendants, and award them all relief allowed by law, including but not limited to the following:

- A. All appropriate relief at law and equity;
- B. Declaratory relief and other appropriate equitable relief;
- C. Economic losses on all claims as allowed by law;
- D. Compensatory and consequential damages, including damages for emotional distress, humiliation, loss of enjoyment of life, and other pain and suffering on all claims allowed by law in an amount to be determined at trial;
- E. Punitive damages on all claims allowed by law and in an amount to be determined at trial;
- F. Attorney's fees and costs associated with this action, including expert witness fees, on all claims allowed by law;
- G. Pre-and post-judgment interest at the lawful rate; and
- H. Any other appropriate relief at law and equity that this court deems just and proper.

**PLAINTIFFS HEREBY DEMAND A JURY TRIAL ON ALL ISSUES SO TRIABLE**

Dated: December 31, 2025

RATHOD | MOHAMEDBhai LLC

*s/ Ciara M. Anderson*  
Ciara M. Anderson  
Qusair Mohamedbhai  
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