

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

Kylan Scheele,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 18-CV-407
	)	
Independence School District,	)	
	)	
Defendant.	)	

**VERIFIED COMPLAINT FOR PROSPECTIVE RELIEF**

*Introduction*

1. In this civil rights action, pursuant to 42 U.S.C. § 1983, Kylan Scheele, a student at Truman High School, brings this complaint against Independence School District for violating his rights under the First and Fourteenth Amendments by prohibiting him from participating in graduation ceremonies because of his constitutionally protected expressive conduct.

2. Even in the school context, expressive conduct protected by the First Amendment does not lose its protection based on the response of third parties unless school administrators could reasonably forecast—with specificity and concreteness—that it would cause a substantial or material disruption to school activities. No reasonable person would have forecasted that Plaintiff’s speech would cause any disruption.

*Jurisdiction and Venue*

3. This action arises under the Constitution of the United States and the provisions of 42 U.S.C. § 1983.

4. The jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 1331 and 1343.

5. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b)(2) because a substantial part of the events or omissions giving rise to the claims occurred in Jackson County, Missouri.

6. Venue is in the Western Division pursuant to Local Rule 3.2(a)(1)(a).

*Parties*

7. Kylan Scheele is a resident of Missouri and a senior in the Independence School District.

8. Independence School District is a subdivision of the State of Missouri and operates Truman High School.

9. Defendant acted under color of state law at all times relevant to this Complaint.

*Facts*

10. On or about May 18, 2018, Plaintiff posted a satirical advertisement on Craigslist.com.

11. Plaintiff, being a senior, posted the satirical advertisement as a prank at the close of the penultimate week of his final semester attending Truman High School.

12. The satirical ad suggests that Truman High School is for sale at the price of \$12,725.00.

13. The senior prank of posting an advertisement for the sale of one's high school on Craigslist is quite common and appears never to have caused a substantial or material disruption in any other school district in the country.

14. The advertisement appeared as follows:

★ **Truman High School -**  
**\$12725 (3301 S Noland Rd,**  
**Independence, MO 64055 truman**  
**high school) ☒**



Huge 20+ room facility.  
Newly build football field.  
Baseball Field to the SE.  
Newly added 4 modern day rooms.  
Has: Centralized air, heating, plumbing.  
Next to Walmart for convenience.  
Huge parking lot, great for partygoers  
looking for somewhere to park.  
Bigger than normal dinning room.  
Multi stove, oven, fridge and other  
appliances in the kitchen.  
Reason for sale is due to the loss of  
students coming up.  
Named after hometown resident U.S.  
President Harry S. Truman and his  
family.

15. The satirical ad contained no threat.
16. No reasonable person would have forecasted that the satirical ad would cause a substantial or material disruption to Truman High School or the Independence School District.
17. Upon information and belief, around or about May 22, 2018, some employees of Defendant unreasonably construed the satirical ad as a threat to kill students.
18. Defendant and its employees know that hundreds of students are soon graduating from Truman High School and, thus, will no longer be attending Truman High School.
19. Upon information and belief, the mistaken and unreasonable interpretation of the satirical ad by some of Defendant's employees might have caused disruption.

20. Plaintiff had never been disciplined by Defendant prior to this incident.

21. Plaintiff is scheduled to graduate on May 26, 2018.

22. In response to and in retaliation for his satirical ad, Defendant, by its employees and policy makers, has prohibited Plaintiff from participating in graduation activities.

23. Although Defendant fully understands that those who interpreted the satirical ad as a threat of mass murder were mistaken, Defendant is unwilling to admit its mistake or reconsider its punishment of Plaintiff.

24. Absent prompt injunctive relief, Plaintiff will be unable to solemnize his high school graduation, an opportunity he earned by achieving a 3.9 grade point average and otherwise satisfying all of Defendant's graduation requirements, as punishment for engaging in constitutionally protected expressive activity and, upon information and belief, a student conduct code violation and punishment will appear permanently in his student record.

### **COUNT I**

#### *42 U.S.C. §1983 – First Amendment*

25. Plaintiff incorporates herein by reference the allegations made in each preceding paragraph as if each were set forth here verbatim.

26. Acting under color of law, Defendant seeks to deprive Plaintiff of the opportunity to participate in graduation exercises because of the content of his expressive activity.

27. Plaintiff's expressive activity was not a threat.

28. No reasonable person would forecast that Plaintiff's expressive activity would cause a substantial or material disruption.

WHEREFORE, Plaintiff prays this Court:

A. Enter judgment in favor of Plaintiff and against Defendant;

- B. Upon motion, issue a temporary restraining order prohibiting Defendant from barring Plaintiff's participation in graduation exercises.
- C. Award Plaintiff's reasonable attorneys' fees and costs pursuant to 42 U.S.C. § 1988 and any other applicable provisions of law; and
- D. Allow such other and further relief to which Plaintiff may be entitled.

Respectfully submitted,

/s/ Anthony E. Rothert  
Anthony E. Rothert, #44827  
Jessie Steffan, #64861  
ACLU of Missouri Foundation  
906 Olive Street, Suite 1130  
St. Louis, Missouri 63101  
Phone: (314) 652-3114  
arothert@aclu-mo.org  
jsteffan@aclu-mo.org

Gillian R. Wilcox, #61278  
ACLU of Missouri Foundation  
406 West 34th Street, Suite 420  
Kansas City, Missouri 64111  
Phone: (816) 470-9938  
gwilcox@aclu-mo.org

**Attorneys for Plaintiff**

Verification

I have reviewed the allegations of the First Amended Complaint and, pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct based upon my personal knowledge.

/s/ Kylan Scheele