

IN THE 19TH JUDICIAL CIRCUIT  
COUNTY OF COLE  
STATE OF MISSOURI

CURTIS THOMPSON, )  
)  
    *Plaintiff,* )  
)  
                vs. )  
)  
JEFFERSON CITY PUBLIC SCHOOLS, )  
    Serve at: )  
        315 E. Dunklin St. )  
        Jefferson City, MO 65101 )  
)  
LARRY LINTHACUM, Ed.D., )  
In His Individual and Official Capacities, )  
    Serve at: )  
        502 James Allen Tr. )  
        Jefferson City, MO 65109 )  
)  
KEN ENLOE, )  
In His Individual and Official Capacities, )  
    Serve at: )  
        1307 Elmerine Ave. )  
        Jefferson City, MO 65101 )  
)  
                *Defendants.* )

Case No. \_\_\_\_\_

Division No. \_\_\_\_\_

JURY TRIAL DEMANDED

**PETITION**

COMES NOW Plaintiff, Curtis Thompson, by and through counsel, Daniel J. Rhoads of **THE RHOADS FIRM, LLC**, and for his causes of action against Defendants, Jefferson City Public Schools; Larry Linthacum, Ed.D., In His Individual Capacity; and Ken Enloe, In His Individual Capacity, pleads the following facts upon his personal knowledge and information:

## Parties

1. Curtis Thompson is, and at all times relevant to this Petition was, an adult resident and taxpayer in the Jefferson City School District (“the District”) in the County of Cole, State of Missouri.

2. Mr. Thompson is the grandfather of two school-age children living in the District. He is also a licensed attorney.

3. Defendant Jefferson City Public Schools (“the District”) is a public school district located within the County of Cole, State of Missouri, and is a political subdivision of the State.<sup>1</sup> The legislative body of the District is its Board of Education (“the Board”).

4. Defendant Larry Linthacum, Ed.D., is, and at all times relevant to this Petition was, the Superintendent of the District. He is sued in his official and in his individual capacity.

5. Defendant Ken Enloe is, and has been since April 12, 2021, the President of the District’s Board of Education. Mr. Enloe is sued in his official and in his individual capacity.

## Jurisdiction and Venue

6. This Petition arises under the statutes and common law of the State of Missouri, as well as the Constitution and statutes of the United States of America; and Plaintiff has suffered damages in excess of \$25,000.

7. Mr. Thompson was first injured by the wrongful acts of Defendants in the County of Cole, State of Missouri.

8. The District is a public governmental body with its principal place of business in the County of Cole, State of Missouri.

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<sup>1</sup> Although its School Board Policy AA states, “The official name of the school district shall be Jefferson City School District,” the District has insisted in prior litigation that, “Jefferson City Public Schools is the property entity.”

### Facts Applicable to All Counts

9. In June 2020, Defendant Linthacum published a letter about enhancing “diversity, equity, and inclusion efforts” in order to combat “systemic racism” in the District.

10. Defendant Linthacum’s letter caught Mr. Thompson’s attention. Over the summer and fall of 2020, Mr. Thompson began investigating and inquiring with the District about its “diversity, equity, and inclusion” efforts.

11. Mr. Thompson specifically requested, among other things, any comments received by the District in response to Defendant Linthacum’s June 2020 letter. Mr. Thompson also requested any District records of “diversity, equity, and inclusion” materials the District was using in both staff training and student curriculum.

12. Mr. Thompson was concerned that the District was misleading the public about its curriculum. The District publicly denied that it was deploying concepts from “critical race theory” into the curriculum even though it was using materials from Teaching Tolerance,<sup>2</sup> which explicitly calls for “critical practices” in education and “culturally responsive” teaching.

13. Mr. Thompson continued to make requests for District records through the winter of 2020-21 and the spring of 2021. Despite Mr. Thompson’s repeated notices to the Board of its numerous violations of the Sunshine Law,<sup>3</sup> the Board continues to the date of this filing to violate that law.

### March 2021 Board Meeting

14. In March 2021, the Board accepted Mr. Thompson’s request “to meet with them about the curriculum.”

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<sup>2</sup> Teaching Tolerance has rebranded itself “Learning for Justice.”

<sup>3</sup> The statutory provisions to which this Petition refers as the “Open Meetings Law” or the “Sunshine Law” are §§ 610.010 through 610.030.

15. On March 15, 2021, the Board's meeting to discuss curriculum with Mr. Thompson was a closed meeting, in violation of § 610.022 R.S. Mo. Mr. Thompson informed the Board at that time that meeting with him in a closed session in order to discuss curriculum violated Missouri's Open Meetings Law.

#### April-May 2021 Records Requests

16. On April 5, 2021, and May 16, 2021, Mr. Thompson made specific, written requests for District records, including records about the following subjects:

- 2) Whether "critical race theory", the 1619 Project, or "systemic racism" is discussed in any classes in the Jefferson City School District;
- 5) All documents in the possession of any Board members from any member of the public regarding "critical race theory", 1619 Project, or systemic racism, and all responses made to such members of the public, whether by Board members or staff.

17. Although the District responded to Mr. Thompson's May 16, 2021, request, it withheld responsive records, in violation of § 610.023 R.S. Mo. Specifically, the District omitted public comments about "critical race theory" that its Board members received from members of the public. The District also withheld instructional materials requested by Mr. Thompson. The District's violations of the Sunshine Law were knowing and purposeful.

18. Mr. Thompson informed the District of the deficiencies in its response to his May 16, 2021, request; but the District refused to cure the deficiencies.

#### June 2021 Board Meeting

19. At the Board's regular meeting on June 14, 2021, Mr. Thompson presented a petition to the Board, asking it to pledge not to compel its students to affirm, adopt, or adhere to a number of specified tenets. One of the tenets listed was, "Promoting the violent overthrow of the U.S. government."

20. The petition was signed by approximately 200 people.

21. That petition was similar in content to a proposed resolution Mr. Thompson presented to the Board at its May meeting, and to which the Board took no lawful actions.

22. Later, Defendant Enloe informed Mr. Thompson that the Board determined not to act on either the proposed resolution or the petition.

#### June 2021 Records Requests

23. On June 16, 2021, Mr. Thompson again made records requests from the District, including:

Please provide the notice of any meeting of the Jefferson City School Board meeting in which the decision was made that is reflected in Ken Enloe's undated letter to Curtis Thompson that: "The Board has determined it is not necessary to adopt the policy language you have proposed, that begins: "The Jefferson City School District school district shall not compel students to personally affirm, adopt, or adhere to any of the following tenets.' . . . ." Please also supply the documents that reflect the motion, to direct this response to Mr. Thompson, who made the motion, who made the second, and the vote on said motion, if any with the name of each Board member and how they voted on the motion. If no motion was made by any member of the Board please provide all documents relied upon by Mr. Enloe to authorize the letter to send such letter.

24. The District's response stated, "Attached hereto are records that are responsive to your request"; however, no records were attached, and no such records have ever been provided. The District's violations of the Sunshine Law were knowing and purposeful.

25. On June 21, 2021, Mr. Thompson made further requests, including:

3) Please provide ... all documents which contain any information regarding any contracts, proposed contracts, proposals, employment information, or advertisements that discuss the retention, contracting, or recruitment of any person to advise, train, consult, promote, or encourage any employee of the Jefferson City School District any aspect of the following:

"Unconscious bias"

"Implicit bias"

"Systemic racism"

"Whiteness"

"White fragility"

"Diversity, inclusion, and/or equity"

"Equity"

"Inclusion"

"Diversity"

"1619 Project"

4) Please provide all documents utilized by any trainers, consultants, contractors, employees, or advisors identified in any of the documents cited for paragraph 3.

26. The District refused to provide records related to a “diversity” training that it had conducted for teachers in 2018, at which the topics listed in the June 21, 2021, were in fact covered.

#### July 2021 Board Meeting

27. Leading up to the Board’s July 12, 2021, meeting, Defendant Linthacum told Mr. Thompson that he should not attend the meeting because curriculum would not be discussed. Defendant Linthacum made the same representation to other constituents.

28. The District changed the start time of the July 12, 2021, meeting, resulting in different start times for the meeting being posted at different times. The published agenda for the meeting omitted details about Defendant Linthacum’s report such that the public was not reasonably advised of the matters to be considered at the meeting.

29. At the July 12, 2021, Board meeting, Defendant Linthacum issued a statement about “critical race theory” and curriculum, contrary to his earlier assertions that those topics would not be discussed at the meeting.

30. Defendant Enloe announced that he would not allow discussion of “critical race theory” during open forum.

31. During open forum, Mr. Thompson spoke about mistakes in the Board’s minutes from its June 2021 meeting. As those mistakes were related in substance to “critical race theory” in the District, the open forum remarks by Mr. Thompson and other constituents referenced “critical race theory.”

### August 2021 Records Requests

32. On August 2, 2021, Mr. Thompson requested records, including District documents discussing the U.S. Department of Education's proposed priorities for American History and Civics Education programs which were published in the Federal Register at 86 FR 20348.

33. The District never produced any documents in which the proposed priorities were discussed, although at least one constituent wrote to Defendants Linthacum and Enloe about them.

34. Also on August 2, 2021, Mr. Thompson requested from the District "all documents discussing the organization Abolitionist Teaching Network."

35. The District responded by sending the Abolitionist Teaching Network's Guide, but no other documents relating to that organization.

36. On November 10, 2021, the Board's secretary wrote to Mr. Thompson about his requests of August 2, 2021, stating that the District hoped "to have the documents and an invoice ready by the end of the week."

37. Mr. Thompson complained about being charged a fee more than three months after making his request. The District's next reply came on November 29, 2021, at which time the District claimed, "All responsive records were provided on August 13, 2021."

### August 2021 Board Meeting

38. The Board's next meeting was scheduled for Tuesday, August 17, 2021, at the Miller Performing Arts Center.

39. On Friday, August 13, 2021, Defendant Enloe sent to Defendant Linthacum the following e-mail, referring to Mr. Thompson as "CT":

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**couple of things for Aug. BOE meeting**

1 message

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Ken Enloe <[REDACTED]> Fri, Aug 13, 2021 at 5:42 PM  
To: Larry Linthacum <[REDACTED]>, Stephanie [REDACTED]

Larry,

I am trying to anticipate CT and expect that he might try to use a challenge to accuracy of minutes from July meeting as his effort to speak in Open Forum. Just wonder about moving approval of minutes up under approval of agenda before Open Forum.

Also wonder about having two SROs? Don't want to expect the worst but won't put anything past someone who accuses us of trying to "promote the overthrow our system of government!"

Thoughts?

Ken Enloe  
JCSD Board of Education

40. Defendant Linthacum agreed; and the agenda for the August 17, 2021, was thus changed:

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**Re: couple of things for Aug. BOE meeting**

1 message

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larry.linthacum <[REDACTED]> Fri, Aug 13, 2021 at 10:00 PM  
To: Ken Enloe <[REDACTED]>  
Cc: Stephanie [REDACTED]

Ken,

I think it is good to prepare for the worst. We will have SROs at the meeting as Stephanie and I discussed earlier today.

I also support moving the approval of minutes up under approval of agenda before open forum.

Larry

Sent from my iPhone

41. At the August 17, 2021, Board meeting, during open forum, Mr. Thompson rose to speak. He began to address an item on the meeting's agenda; but about twenty seconds after he began to speak, Defendant Enloe interrupted him and told him that the item Mr. Thompson was addressing was not on the agenda.



42. When Mr. Thompson began to explain the agenda items he was addressing, Defendant Enloe again interrupted him. Mr. Thompson told him, “You’re trying to quiet me because of what I have to say, in violation of the First Amendment.”

43. Defendant Enloe continued to interrupt and to demand that Mr. Thompson identify which agenda items he was addressing. Mr. Thompson answered, “Five a, b, c; six a; and nine are the agenda items—”

44. Before Mr. Thompson could complete his answer, Defendant Enloe called for a five-minute recess. The Board suspended open forum at that point, and Defendants Enloe and Linthacum fled to backstage with one other Board member while five Board members remained seated.

45. While the two Board members hiding from their constituents convened backstage with Defendant Linthacum, Mr. Thompson pointed out to the audience that the Board was violating the Sunshine Law by meeting backstage during the recess.

46. At the request of another attendee of the Board meeting, Mr. Thompson began to share with the audience what he had learned about “critical race theory” training in the District and about the District’s use of the Abolitionist Teaching Network.

47. During the recess, Defendants ordered a law-enforcement officer to the podium to eject Mr. Thompson from the meeting. The officer contacted Mr. Thompson’s upper body in order to lead him away from the podium and ultimately out of the auditorium.

48. Defendant Enloe confirmed that he was asking Mr. Thompson to leave, and the law-enforcement officer escorted Mr. Thompson outside.

49. The entire course of action—shutting down Mr. Thompson’s speech and having him escorted out of the meeting by a law-enforcement officer—was premeditated and carried out

by and with the agreement of Defendant Linthacum, Defendant Enloe, and possibly others. The remaining Board members allowed this action to occur.

50. Defendants did not, during 2021, enforce their policies about open forum in the same manner when other members of the public spoke about items outside the meeting agendas, so long as Defendants approved of the content of those public members' speech.

#### October 2021 Records Requests

51. On October 26, 2021, Mr. Thompson requested from the District:

- 1) All documents since August 12, 2021 regarding the number and reasons for those number of school resource officers (SROs) to attend Jefferson City School Board meetings.
- 2) All documents in the possession, custody, or control of any Board member or the Superintendent referring to Curtis Thompson in any fashion created or received after July 1, 2021.
- 3) All documents received from or provided to the Missouri Attorney General or his office since June 1, 2021, including but not limited to documents responding to the complaint I filed with that office regarding the failure of the Board to comply with Chapter 610 RSMo.
- 4) All documents regarding the focus groups of students of color conducted by Dr. Linthacum as described by Dr. Scarbrough in the video posted on YouTube in June 2021. Please include documents identifying dates of such meetings, participants, agendas for those meetings, how participants were chosen, the racial makeup of participants, and how the races of participants were determined. See <https://www.youtube.com/watch?v=MbSqHLSMIS8&t=7s>. Do not include names of students who participated but include documents how they were chosen to participate.
- 5) All letters, emails, or other forms of electronic communications received by or sent from Board members or Dr. Linthacum since June 1, 2021, regarding the training of staff in June 2021 on unconscious bias and equity in education."

52. On November 16, 2021, Mr. Thompson received the records that the District produced in response to his October 26, 2021, request. The District omitted documents responsive to each of the five categories, some of which Mr. Thompson eventually obtained through other means.

53. Among the responsive documents the District withheld was the e-mail exchange between Defendants Linthacum and Enloe in which they conspired to have Mr. Thompson shut down at and removed from the August 2021 Board meeting.

#### December 2021 Records Requests

54. On December 3, 2021, Mr. Thompson requested from the District all records related to a June 2021 training of District officials and employees by Franklin Covey, as well as a reiterated request for records received by Defendant Linthacum or any Board member regarding Defendant Linthacum's June 2020 letter about "diversity, equity, and inclusion."

55. The District has not produced all responsive records—for example, e-mails to and from Board members discussing the June 2020 letter.

#### January 3, 2022, Records Request

56. On January 3, 2022, Mr. Thompson requested from the District:

- 1) Copies of any petition filed with the Board on any matter between January 1, 2019, and January 3, 2022.
- 2) All documents created by, received by, or commenting on any such petitions by Dr. Linthacum, and any Board member, or the custodian of records between January 1, 2019, and January 3, 2022.

57. The District responded that it had no such petitions; and it failed to produce any documents received by, or commenting on, any such petitions.

58. The District's response cannot be true because in June 2021 Mr. Thompson submitted to the Board such a petition, signed by about 200 constituents. Moreover, Defendant Enloe told Mr. Thompson that the Board had made a decision about the petition, although that decision was not made at any open meeting.

#### January 17, 2022, Records Request

59. On January 17, 2022, Mr. Thompson requested more public records from the District.

60. In response to the January 17, 2022, request, the District—for the first time—responded with a letter stating, among other things, that the request would take more than three days to fulfill, that the District would charge Mr. Thompson for copying the documents and paying clerical staff, and that any requested documents that could be considered closed records would not be provided.

61. The District did eventually produce documents in response to Mr. Thompson’s January 17, 2022, records request, although its response included duplicates of documents that Mr. Thompson had already been given and documents that he did not request.

62. In both its responses to his Sunshine Law requests and its treatment of Mr. Thompson at its Board meetings, the District has treated and is treating Mr. Thompson differently from how it treats similarly-situated constituents because of his efforts to make public the specifics of the District’s “diversity, equity, and inclusion” agenda and of his point of view on that agenda.

63. The District’s course of conduct has chilled other citizens and residents of the District from exercising their First Amendment rights.

64. The District’s violations of its open-government duties and of Mr. Thompson’s First Amendment rights have harmed not only Mr. Thompson but also its district constituency at large.

Count I – Violation of the Open Meetings Law (§ 610.022)  
March 2021 Board Meeting  
Defendant Jefferson City Public Schools

65. Plaintiff incorporates the averments in the preceding paragraphs -as if they were fully set forth herein.

66. The March 15, 2021, Board meeting was a public meeting at which the District, a public governmental body, discussed public business.

67. The District's closing of that meeting violated the Open Meetings Law in the following ways:

- a. Defendant failed to give public notice of the time, date and place of such closed meeting and the reason for holding it by reference to the specific exception allowed;
- b. The meeting was not "closed only to the extent necessary" for discussing a statutorily excepted subject; and
- c. Defendant discussed public business in the closed meeting which did not directly relate to a statutorily excepted subject.

68. Defendant's violations of the Open Meetings Law specified in the preceding paragraph were knowingly and purposely done.

WHEREFORE, Plaintiff respectfully requests that the Court enter judgment in his favor on Count I; award Plaintiff the statutory award of \$5,000, in addition to a payment of all costs and reasonable attorney fees incurred by Plaintiff; and award Plaintiff such additional relief that the Court deems just and proper.

Count II – Violation of the Sunshine Law (§ 610.023)  
April-May 2021 Records Requests  
Defendant Jefferson City Public Schools

69. Plaintiff incorporates the averments in the preceding paragraphs as if they were fully set forth herein.

70. Mr. Thompson requested from the District, a public governmental body, public records—to wit,

- a. instructional materials relating to “critical race theory”, the 1619 Project, or “systemic racism”; and
- b. any correspondence between Board members and members of the public regarding “critical race theory”, the 1619 Project, or “systemic racism.”

71. Defendant has violated the Sunshine Law with respect to the April-May 2021 records request by:

- a. failing to respond within the time required by the law, and
- b. failing and refusing to produce all records that are responsive to the request and are subject to the Sunshine Law.

72. Defendant’s violations of the Open Meetings Law specified in the preceding paragraphs were knowingly and purposely done.

WHEREFORE, Plaintiff respectfully requests that the Court enter judgment in his favor on Count II; award Plaintiff the statutory award of \$5,000, in addition to a payment of all costs and reasonable attorney fees incurred by Plaintiff; and award Plaintiff such additional relief that the Court deems just and proper.

Count III – Violation of the Open Meetings Law (§ 610.022)  
June 2021 Board Meeting  
Defendant Jefferson City Public Schools

73. Plaintiff incorporates the averments in the preceding paragraphs as if they were fully set forth herein.

74. The District met about and decided upon a matter of public business—to wit, the petition that was signed by about 200 constituents and submitted to the Board.

75. The District’s discussion and decision on the petition violated the Open Meetings Law in the following ways:

- a. Defendant failed to give public notice of the time, date and place of such closed meeting and the reason for holding it by reference to the specific exception allowed;
- b. The meeting was not “closed only to the extent necessary” for discussing a statutorily excepted subject; and
- c. Defendant discussed public business in the closed meeting which did not directly relate to a statutorily excepted subject.

76. Defendant’s violations of the Open Meetings Law specified in the preceding paragraph were knowingly and purposely done.

WHEREFORE, Plaintiff respectfully requests that the Court enter judgment in his favor on Count III; award Plaintiff the statutory award of \$5,000, in addition to a payment of all costs and reasonable attorney fees incurred by Plaintiff; and award Plaintiff such additional relief that the Court deems just and proper.

Count IV – Violation of the Sunshine Law (§ 610.023)  
June 2021 Records Requests  
Defendant Jefferson City Public Schools

77. Plaintiff incorporates the averments in the preceding paragraphs as if they were fully set forth herein.

78. Mr. Thompson requested from the District, a public governmental body, public records—to wit, records relating to the District’s discussion and decision about the petition submitted to the Board in June 2021.

79. Defendant has violated the Sunshine Law with respect to the June 2021 records request by:

- a. failing to respond within the time required by the law, and

- b. failing and refusing to produce all records that are responsive to the request and are subject to the Sunshine Law.

80. Defendant's violations of the Open Meetings Law specified in the preceding paragraph was knowingly and purposely done.

WHEREFORE, Plaintiff respectfully requests that the Court enter judgment in his favor on Count IV; award Plaintiff the statutory award of \$5,000, in addition to a payment of all costs and reasonable attorney fees incurred by Plaintiff; and award Plaintiff such additional relief that the Court deems just and proper.

Count V – Violation of the Sunshine Law (§ 610.023)  
June 2021 Records Requests  
Defendant Jefferson City Public Schools

81. Plaintiff incorporates the averments in the preceding paragraphs as if they were fully set forth herein.

82. Mr. Thompson requested from the District, a public governmental body, public records—to wit, records relating to the District's "diversity" training in 2018, at which District employees or officials were trained on "diversity, equity, and inclusion"; "Unconscious bias"; "Implicit bias"; "Systemic racism"; "Whiteness"; or "White fragility."

83. Defendant has violated the Sunshine Law with respect to the June 2021 records request by:

- a. failing to respond within the time required by the law, and
- b. failing and refusing to produce all records that are responsive to the request and are subject to the Sunshine Law.

84. Defendant's violations of the Open Meetings Law specified in the preceding paragraph was knowingly and purposely done.



WHEREFORE, Plaintiff respectfully requests that the Court enter judgment in his favor on Count V; award Plaintiff the statutory award of \$5,000, in addition to a payment of all costs and reasonable attorney fees incurred by Plaintiff; and award Plaintiff such additional relief that the Court deems just and proper.

Count VI – Violation of the Open Meetings Law (§ 610.020)  
July 2021 Board Meeting  
Defendants Jefferson City Public Schools and Larry Linthacum

85. Plaintiff incorporates the averments in the preceding paragraphs as if they were fully set forth herein.

86. The July 12, 2021, Board meeting was a public meeting at which the District, a public governmental body, discussed public business.

87. The District and Defendant Linthacum failed to give notice of the time of the meeting, and its tentative agenda, in a manner reasonably calculated to advise the public of the matters to be considered, in the following ways:

- a. by moving the start time of the meeting up by an hour after announcing the later start time;
- b. by omitting details about the report the Superintendent was to give; and
- c. by telling Mr. Thompson and others that the issues discussed in Defendant Linthacum's report would actually not be discussed at the meeting.

88. Defendants' violations of the Open Meetings Law specified in the preceding paragraph were knowingly and purposely done.

WHEREFORE, Plaintiff respectfully requests that the Court enter judgment in his favor on Count VI; award Plaintiff the statutory award of \$5,000, in addition to a payment of all costs and

reasonable attorney fees incurred by Plaintiff; and award Plaintiff such additional relief that the Court deems just and proper.

Count VII – Violation of the Sunshine Law (§ 610.023)  
August 2021 Records Requests  
Defendant Jefferson City Public Schools

89. Plaintiff incorporates the averments in the preceding paragraphs as if they were fully set forth herein.

90. Mr. Thompson requested from the District, a public governmental body, public records—to wit, records reflecting District discussions of the U.S. Department of Education’s proposed priorities for American History and Civics Education programs which were published in the Federal Register at 86 FR 20348.

91. Defendant has violated the Sunshine Law with respect to the August 2021 records request by:

- a. failing to respond within the time required by the law, and
- b. failing and refusing to produce all records that are responsive to the request and are subject to the Sunshine Law.

92. Defendant’s violations of the Open Meetings Law specified in the preceding paragraph was knowingly and purposely done.

WHEREFORE, Plaintiff respectfully requests that the Court enter judgment in his favor on Count VII; award Plaintiff the statutory award of \$5,000, in addition to a payment of all costs and reasonable attorney fees incurred by Plaintiff; and award Plaintiff such additional relief that the Court deems just and proper.

Count VIII – Violation of the Sunshine Law (§ 610.023)  
August 2021 Records Requests  
Defendant Jefferson City Public Schools

93. Plaintiff incorporates the averments in the preceding paragraphs as if they were fully set forth herein.

94. Mr. Thompson requested from the District, a public governmental body, public records—to wit, records reflecting the District’s involvement with the Abolitionist Teaching Network or the District’s use of its materials.

95. Defendant has violated the Sunshine Law with respect to the August 2021 records request by:

- a. failing to respond within the time required by the law, and
- b. failing and refusing to produce all records that are responsive to the request and are subject to the Sunshine Law.

96. Defendant’s violations of the Open Meetings Law specified in the preceding paragraph was knowingly and purposely done.

WHEREFORE, Plaintiff respectfully requests that the Court enter judgment in his favor on Count VIII; award Plaintiff the statutory award of \$5,000, in addition to a payment of all costs and reasonable attorney fees incurred by Plaintiff; and award Plaintiff such additional relief that the Court deems just and proper.

Count X – Action under § 1983 of Title 42 of the U.S. Code  
Violation of the First Amendment  
All Defendants

97. Plaintiff incorporates the averments in the preceding paragraphs as if they were fully set forth herein.

98. Defendants acted under color of state law when they prevented Mr. Thompson from speaking at the August 17, 2021, Board meeting.

99. Defendants' conduct towards Mr. Thompson at the August 17, 2021, Board meeting constituted a prior restraint of speech.

100. Defendants targeted Mr. Thompson and prevented him from speaking because they disliked the contents of his speech.

101. The policy on which the Defendants purported to rely in denying Mr. Thompson the ability to speak in open forum was not applied to other members of the public who spoke during open forums in 2021 about topics not on the agenda, when the Defendants approved of those speakers' messages.

102. The conduct to which Defendants subjected Mr. Thompson deprived him of the right under the First Amendment to the United States Constitution to the freedom of speech.

103. As a direct and proximate result of Defendants' conduct, Plaintiff suffered damages, including the loss of his ability to participate in democratic processes, emotional distress, and public humiliation and embarrassment.

104. Defendants intentionally harmed Mr. Thompson without just cause.

WHEREFORE, Plaintiff respectfully requests that the Court enter judgment in her favor on Count IX; award Plaintiff such sum in excess of \$25,000 as will fairly and justly compensate Plaintiff for all damages that Plaintiff has sustained and is reasonably certain to sustain in the future as a direct result of Defendants' conduct; and award Plaintiff his reasonable attorney fees, legal costs, and such additional relief that the Court deems just and proper.

Count X – Action under § 1983 of Title 42 of the U.S. Code  
Violation of the First Amendment  
All Defendants

105. Plaintiff incorporates the averments in the preceding paragraphs as if they were fully set forth herein.

106. Defendants acted under color of state law when they ejected Mr. Thompson from the August 17, 2021, Board meeting.

107. Defendants targeted Mr. Thompson and ejected him because they wished to silence the contents of his speech. There was not even a policy that Defendants could pretextually use to justify their ejection of Mr. Thompson from the meeting.

108. The conduct to which Defendants subjected Mr. Thompson deprived him of the right under the First Amendment to the United States Constitution to the freedom of speech, the right to peaceably assemble, and the right to petition the government for a redress of grievances.

109. As a direct and proximate result of Defendants' conduct, Plaintiff suffered damages, including the loss of his ability to participate in democratic processes, emotional distress, and public humiliation and embarrassment.

110. Defendants intentionally harmed Mr. Thompson without just cause.

WHEREFORE, Plaintiff respectfully requests that the Court enter judgment in her favor on Count X; award Plaintiff such sum in excess of \$25,000 as will fairly and justly compensate Plaintiff for all damages that Plaintiff has sustained and is reasonably certain to sustain in the future as a direct result of Defendants' conduct; and award Plaintiff his reasonable attorney fees, legal costs, and such additional relief that the Court deems just and proper.

Count XI – Conspiracy  
Defendants Enloe and Linthacum

111. Plaintiff incorporates the averments in the preceding paragraphs as if they were fully set forth herein.

112. Defendants Enloe and Linthacum combined together and had a meeting of the minds about how to prevent Mr. Thompson from speaking at the August 17, 2021, Board meeting.

113. Defendants conspired to deprive Mr. Thompson of his First Amendment rights by (a) changing the meeting agenda and (b) preparing a law-enforcement officer to be present to escort Mr. Thompson out of the Board meeting.

114. Defendants executed their plan when Mr. Thompson began speaking at the August 17, 2021, Board meeting.

115. As a direct and proximate result of Defendants' conduct, Mr. Thompson suffered damages, including the loss of his ability to participate in democratic processes, emotional distress, and public humiliation.

116. Defendants intentionally harmed Mr. Thompson without just cause.

WHEREFORE, Plaintiff respectfully requests that the Court enter judgment in Plaintiff's favor on Count XI, award Plaintiff such sum in excess of this Court's jurisdictional requisite as will reasonably and fairly compensate Plaintiff for all damages that Plaintiff has sustained and is reasonably certain to sustain in the future as a direct result of Defendant's conduct, and further award Plaintiff any additional relief that this Court deems just and proper.

Count XII – Violation of the Sunshine Law (§ 610.023)  
October 2021 Records Requests  
Defendant Jefferson City Public Schools

117. Plaintiff incorporates the averments in the preceding paragraphs as if they were fully set forth herein.

118. Mr. Thompson requested from the District, a public governmental body, public records—to wit, the records identified in paragraph 51, above.

119. Defendant has violated the Sunshine Law with respect to the October 2021 records request by:

- a. failing to respond within the time required by the law, and
- b. failing and refusing to produce all records that are responsive to the request and are subject to the Sunshine Law.

120. Defendant's violations of the Open Meetings Law specified in the preceding paragraph was knowingly and purposely done.

WHEREFORE, Plaintiff respectfully requests that the Court enter judgment in his favor on Count XII; award Plaintiff the statutory award of \$5,000, in addition to a payment of all costs and reasonable attorney fees incurred by Plaintiff; and award Plaintiff such additional relief that the Court deems just and proper.

Count XIII – Violation of the Sunshine Law (§ 610.023)  
December 2021 Records Requests  
Defendant Jefferson City Public Schools

121. Plaintiff incorporates the averments in the preceding paragraphs as if they were fully set forth herein.

122. Mr. Thompson requested from the District, a public governmental body, public records—to wit, records received by Defendant Linthacum or any Board member regarding Defendant Linthacum's June 2020 letter about "diversity, equity, and inclusion."

123. Defendant has violated the Sunshine Law with respect to the December 2021 records request by:

- a. failing to respond within the time required by the law, and

- b. failing and refusing to produce all records that are responsive to the request and are subject to the Sunshine Law.

124. Defendant's violations of the Open Meetings Law specified in the preceding paragraph was knowingly and purposely done.

WHEREFORE, Plaintiff respectfully requests that the Court enter judgment in his favor on Count XIII; award Plaintiff the statutory award of \$5,000, in addition to a payment of all costs and reasonable attorney fees incurred by Plaintiff; and award Plaintiff such additional relief that the Court deems just and proper.

Count XIV – Violation of the Sunshine Law (§ 610.023)  
January 3, 2022, Records Requests  
Defendant Jefferson City Public Schools

125. Plaintiff incorporates the averments in the preceding paragraphs as if they were fully set forth herein.

126. Mr. Thompson requested from the District, a public governmental body, public records—to wit, the records requested on January 3, 2022, identified in paragraph 56, above.

127. Defendant has violated the Sunshine Law with respect to the January 3, 2022, records request by:

- a. failing to respond within the time required by the law, and
- b. failing and refusing to produce all records that are responsive to the request and are subject to the Sunshine Law.

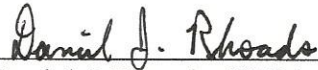
128. Defendant's violations of the Open Meetings Law specified in the preceding paragraph was knowingly and purposely done.

WHEREFORE, Plaintiff respectfully requests that the Court enter judgment in his favor on Count XIV; award Plaintiff the statutory award of \$5,000, in addition to a payment of all costs and



reasonable attorney fees incurred by Plaintiff; and award Plaintiff such additional relief that the Court deems just and proper.

RESPECTFULLY SUBMITTED



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