

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION

S.H., by her father, legal custodian, and)
next friend Torry Hernandez,)

Plaintiff,)

v.)

No. 1:24-cv-22

BRADLEY MILLEMAN, in his individual)
capacity;)

REBECCA HUDSON, in her individual)
capacity;)

JURY TRIAL REQUESTED

NANCY SNYDER, in her individual)
capacity,)

Defendants.)

Complaint for Damages

Introduction

1. On two occasions, Bradley Milleman, Dean of Students for the high school at Jay County Jr-Sr High School, with the assistance of a separate school nurse on each occasion, initiated a search of S.H. a sophomore, ostensibly to look for a “vape,” which she did not have. The searches involved among other things, S.H. being required to pull up her shirt to show her waist band and being required to pull out and shake the front of her bra, exposing her breasts, with Mr. Milleman and the nurse present. During the first search, Mr. Milleman touched the back of her bra where the clasp was located. During the second search, S.H. was required to expose her cleavage before being required to pull out the

bottom or her bra, exposing her breasts. S.H. reasonably believed that she had no choice but to comply with all of the demands of the adults. The very intrusive first search took place even though a metal-detector wand failed to alert the presence of anything in her bra. The very intrusive second search took place even though no search with a wand was even attempted. S.H. has been caused significant emotional and mental harm and anguish as the result of defendants' conduct that clearly violated the Fourth Amendment, and she is entitled to her damages, including punitive damages.

Jurisdiction, venue, and cause of action

2. This Court has jurisdiction of this case pursuant to 28 U.S.C. § 1331.
3. Venue is proper in this district pursuant to 28 U.S.C. § 1391.
4. This action is brought pursuant to 42 U.S.C. § 1983 to redress the deprivation, under color of state law, of rights secured by the Constitution of the United States.

Parties

5. S.H. is a minor girl who resides in Jay County, Indiana, with her father and legal custodian, Torry Hernandez, and her stepmother.
6. Bradley Milleman is an adult person employed by the Jay School Corporation at the Jay County Jr-Sr High School.
7. Rebecca Hudson is an adult person employed by the Jay School Corporation at the Jay County Jr-Sr High School.

8. Nancy Snyder is an adult person employed by the Jay School Corporation at the Jay County Jr-Sr High School.

Facts

9. The Jay County Jr-Sr High School, located in Portland, Indiana, contains both a junior high school and a high school in the same building.

10. At all relevant times S.H. was a sophomore at Jay County Jr-Sr High School. She remains a sophomore at the school.

11. At all relevant times, Bradley Milleman was the Dean of Students for the high school.

12. On August 24, 2023, toward the end of the school's second period, Mr. Milleman came into S.H.'s classroom, instructed her to get her possessions, and to accompany him out of the room.

13. Mr. Milleman took S.H. to the office of Nancy Snyder, the head school nurse.

14. Mr. Milleman told S.H. that she was suspected of having a vape, an electronic cigarette, based on information from a student who had heard a "crackling" sound in a bathroom stall that had been occupied by S.H.

15. Mr. Milleman indicated that S.H. was going to be searched for the vape.

16. S.H. did not possess a vape.

17. Both Mr. Milleman and Ms. Snyder remained in Ms. Snyder's office with S.H. with the door closed.

18. They both began to direct various orders to S.H. They indicated that S.H. had to empty her pockets, pull up her sleeves, shake her pant legs, take off her shoes and socks, shake out her shoes, and flip her socks inside out.

19. At one point she was ordered to pull down her shirt to show her bra straps and lift up her sweatshirt to show her waist band. This was extremely embarrassing to S.H., as she was not wearing another shirt under her sweatshirt.

20. Mr. Milleman left the office and then returned with a metal-detector wand.

21. The wand alerted as it passed over the mid-point of her back, and Mr. Milleman felt her back and asked what he was feeling. S.H. indicated that it was the metal clasp of her bra.

22. Although the wand never alerted to the presence of anything on the front of her torso, S.H. was ordered to pull out the front of her bra and shake it out, which she did.

23. This exposed her breasts to Mr. Milleman and Ms. Snyder.

24. This was extremely upsetting to S.H.

25. At no time did S.H. voluntarily consent to the searches that took place. She reasonably believed that she had to obey the orders of the nurse and Mr. Milleman.

26. Nothing was found and Mr. Milleman wrote out a pass and sent S.H. back to class.

27. On November 29, 2023, S.H. was skipping her 6th period class. She had done that previously and she would sit in a bathroom stall, listening to music.

28. On this occasion, a female art teacher came into the bathroom to talk to S.H.

29. S.H. opened the door to talk to the teacher, and after she exited from the stall, she saw Mr. Milleman in the doorway of the bathroom.

30. Mr. Milleman told S.H. that she had to accompany him and walked S.H. toward his office.

31. At one point Mr. Milleman grabbed S.H.'s arm, attempting to steer her walking path, and told her to remove her hands from her pockets.

32. He took her to his office and spoke to her about skipping classes. He then told her he was going to take her to the nurse's office to search her because he viewed it as suspicious that S.H. walked to his office with her hands in her pockets, and that she might have a vape.

33. Mr. Milleman took her to the nurse's office where Rebecca Hudson, another school nurse, was present.

34. S.H. was wearing a zipped up sweatshirt over her bra, again without an undershirt.

35. S.H. was again ordered to shake out her pant legs and was again required to pull up her sweatshirt to show her waistband, exposing her bare midriff to the two adults.

36. She was then required to unzip her sweatshirt to show her cleavage and was required to show her bra straps.

37. Once again she was ordered to pull out the front of her bra and shake out the bra and once again her breasts were exposed.

38. At no point was the metal detector wand used.
39. S.H. did not have a vape.
40. Again, this was terribly upsetting and embarrassing.
41. Again, at no time did S.H. voluntarily consent to the searches that took place. She reasonably believed that she had to obey the orders of the nurse and Mr. Milleman.
42. At the completion of the search, Mr. Milleman took S.H. back to his office. By this time she was crying.
43. After the search was over, Mr. Milleman called S.H.'s father, who was not available, and then called her stepmom.
44. On neither occasion were S.H.'s father or stepmother called prior to the searches.
45. S.H.'s father called Mr. Milleman on November 29 after he found out about the search, and Mr. Milleman admitted being present for the search that day. In response to S.H.'s father telling Mr. Milleman to leave his daughter alone, Mr. Milleman stated that he would continue to conduct searches as he saw fit.
46. Jay County Jr-Sr High School employs a resource officer, who is a deputy sheriff with the Jay County Sheriff's Department.
47. The resource officer was not present for either of the searches of S.H.
48. At no time did reasonable suspicion exist for the intrusive searches of S.H. by the defendants. The searches were not justified at their inception.

49. Additionally, the searches were not permissible in scope and were excessively intrusive.

50. The actions and inactions of the defendants caused S.H. emotional harm, anguish, and other related injuries that are continuing.

51. The actions of the defendants were taken with reckless or callous indifference to S.H.'s rights.

52. At all times defendants acted under color of state law.

Jury trial demand

53. Plaintiff requests a jury trial on all claims so triable.

Legal claim

54. The defendants violated the Fourth Amendment rights of S.H.

Request for relief

WHEREFORE, plaintiff requests that this Court:

- a. Accept jurisdiction of this case and set it for hearing at the earliest opportunity.
- b. Declare that defendants violated S.H.'s Fourth Amendment rights for the reasons noted above.
- c. Award plaintiff her damages, including nominal, compensatory, and punitive damages.
- d. Award plaintiff her costs and reasonable attorneys' fees pursuant to 42 U.S.C. § 1988.
- e. Award all other proper relief.

Kenneth J. Falk
Stevie J. Pactor
ACLU of Indiana
1031 E. Washington St.
Indianapolis, IN 46202
317/635-4059
fax: 317/635-4105
kfalk@aclu-in.org
spactor@aclu-in.org

Attorneys for Plaintiff