

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION

K.S., by her father and next friend,)	
Nicholas Stout,)	
)	
Plaintiff,)	
)	
v.)	No. 1:24-cv-00008
)	
BRADLEY MILLIMAN, in his individual)	
capacity;)	
REBECCA HUDSON, in her individual)	JURY TRIAL REQUESTED
capacity,)	
)	
Defendants.)	

Complaint for Damages

Introduction

1. On the Tuesday before Thanksgiving of 2023, K.S., then a student in the 7th grade at Jay County Jr-Sr High School, was abruptly removed from a class by Bradley Milliman, the Dean of Students at the high school. Without any explanation she was taken to the office of the school nurse Rebecca Hudson, where, again without explanation, Ms. Hudson announced that K.S. was going to be searched. With Mr. Milliman observing, K.S. was ordered by Ms. Hudson to lift up her pants legs to show her socks and then to lift up her shirt so they could see her waist. K.S. was then ordered to lift up her shirt and pull the bottom of her bra away from her body. K.S. reasonably believed that she had no choice but to comply with all of the demands of the adults. Her locker was then searched.

Nothing was found and she was sent back to her class. Mr. Milliman later explained that a student had falsely reported that K.S. had a gun. The very intrusive search took place even though Mr. Milliman stated that the school believed they knew the student who made the false report and that he had made a similar false report before and even though many less invasive means of conducting a search were available, but not utilized. K.S. 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. K.S. is a minor girl who resides in Jay County, Indiana, with her parents, including her father and next friend, Nicholas Stout.
6. Bradley Milliman 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.

Facts

8. 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.

9. On Tuesday, November 21, 2023, K.S. was a 13-year old seventh grade student at the Jay County Jr-Sr High School.

10. At all relevant times, Bradley Milliman was the Dean of Students for the high school.

11. Mr. Milliman came to K.S.'s classroom during her second-period math class and ordered her to leave the classroom and accompany him, which K.S. did.

12. K.S. had never had any contact with Mr. Milliman before and did not know who he was when he came into her classroom.

13. Mr. Milliman did not inform K.S. why he had removed her from class.

14. Instead, Mr. Milliman asked K.S. if she knew what was happening and K.S. indicated that she had no idea.

15. Mr. Milliman took K.S. to the office of nurse Rebecca Hudson and closed the door of the office, leaving only K.S., Mr. Milliman, and Ms. Hudson in the office.

16. By this point, K.S. had become afraid, because she did not understand what was going on.

17. Ms. Hudson announced that K.S. was going to be searched.

18. Neither Mr. Milliman nor Ms. Hudson explained why K.S. was going to be searched.

19. Mr. Milliman stayed in the room along with Ms. Hudson.

20. Neither Mr. Milliman nor Ms. Hudson indicated to K.S. that she had any right to refuse the search that Ms. Hudson had announced would be coming.

21. Instead, Ms. Hudson first ordered that K.S. pull up her pants to show her socks. K.S. complied with the request. She did not voluntarily consent, but reasonably believed that she had to comply with the order of the school nurse, made in the presence of a school administrator. Both Ms. Hudson and Mr. Milliman watched her do so.

22. Ms. Hudson then ordered K.S. to pull up her shirt to expose the waist band of her pants and her midriff. She complied with this request. She did not voluntarily consent, but reasonably believed that she had to comply with the order of the school nurse, made in the presence of a school administrator. Both Ms. Hudson and Mr. Milliman watched her do so.

23. Having to expose her midriff to these two adults was extremely embarrassing to K.S.

24. K.S. was wearing a sweatshirt over a T-shirt and a bra.

25. Ms. Hudson then ordered K.S. to lift up sweatshirt and T-shirt, place her hands against her breasts under her bra, and pull out her bra away from her body.

26. K.S. did not voluntarily consent to doing this, but as with the other orders, she reasonably believed that she had to comply.

27. She therefore held her shirt up above the bottom of her bra and pulled out the bottom of her bra away from her body.

28. Both Mr. Milliman and Ms. Hudson observed K.S. pulling out her bra.

29. After K.S. pulled out the bottom of her bra, she pulled her shirt back down.

30. At this point, neither Mr. Milliman, Ms. Hudson, nor anyone else had explained to K.S. why she had been subject to this treatment.

31. K.S. was tremendously upset and embarrassed by what had happened in Ms. Hudson's office.

32. K.S. had her Chromebook with her in the nurse's office, which is inside a small case that can be zipped open and closed. Mr. Milliman instructed K.S. to hand him the Chromebook, which she did. He found nothing but the Chromebook inside.

33. After the search was over, Mr. Milliman instructed K.S. to accompany him to another office that was on the high school side of the building.

34. Jay County Jr-Sr High School employs a resource officer, who is a deputy sheriff with the Jay County Sheriff's Department.

35. The middle school's principal and the school resource officer ultimately joined K.S. and Mr. Milliman in that office.

36. The resource officer, who works and maintains an office at Jay County Jr-Sr High School, has a metal detector wand that is kept at the school.

37. At no time was the metal detector wand used to search K.S.

38. While in the office, Mr. Milliman informed K.S. that they were searching her for a gun.

39. Mr. Milliman stated that the middle school principal was now going to search K.S.'s locker, which apparently had not yet been searched.

40. K.S. accompanied the principal to her locker where he searched its contents, which included her backpack. The class period ended a few minutes after the administrator started the search and he sent K.S. back to her third-period class and finished the search after she went back to class.

41. Nothing untoward was found in the search of the locker.

42. In her class all the students were extremely curious as to what had happened as a number had been in her second period class when she was removed by Mr. Milliman and the word had quickly spread to other students as to the fact that she had been removed from class.

43. This only heightened K.S.'s distress.

44. Mr. Milliman called K.S.'s mother and left a message that K.S. had been subject to a search and that nothing was found and that everything was fine. At no time prior to or

during the search did Mr. Milliman or another school official attempt to contact K.S.'s parents.

45. Things were definitely not fine as K.S. was understandably extremely upset about what had happened to her.

46. K.S. texted her mother and told her she had been searched and that she wanted to go home.

47. K.S.'s mother went to the school to find out what was going on and she and K.S. met with Mr. Milliman.

48. Mr. Milliman stated that the reason the K.S. had been searched was that an anonymous tip had been made over the internet that K.S. had a gun. However, Mr. Milliman also told K.S. and her mother that the school had a good idea who had made the tip and that the student had made a similar false report before.

49. Of course, K.S. never had a gun. And, aside from everything else, it would have been extremely unlikely that any student would or could conceal a gun inside of their bra without creating an odd contour visible through the student's clothes.

50. Mr. Milliman never explained why, instead of requiring a 13-year old to expose herself, the resource officer had not been asked to use his metal detector wand on the outside of K.S.'s clothing. Nor did he explain under what circumstances he believed a 13-year old girl would or could hide a gun in her bra. Nor did he explain why a pat-down

of K.S., while fully clothed, and presumably conducted by someone the same gender as K.S., would not have been sufficient.

51. At no time did reasonable suspicion exist for the intrusive search to which defendants subjected K.S. The search was not justified at its inception as it was based on a report by an unreliable person and there were no reasons to believe that the tip was truthful and accurate.

52. Additionally, the search was not permissible in scope and was excessively intrusive.

53. By this point, K.S. was so upset that she was sobbing uncontrollably.

54. K.S. has not returned to the school and does not intend to return. She has been so traumatized by this incident that she is now being schooled at home.

55. She is also now in counselling to help her deal with the damage done by defendants.

56. The actions and inactions of the defendants caused K.S. emotional harm, anguish, and other related injuries.

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

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

Jury trial demand

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

Legal claim

60. The defendants violated the Fourth Amendment rights of K.S.

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 K.S.'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.

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