

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT – LAW DIVISION**

JULIE and BRANDON HAGAN, as parents and next best friend )  
of J. H., a minor, JASON THOMAS, as parent and )  
next best friend of K. T., a minor, PARRISH BOWEN )  
and CANDACE BOWEN, as parents and next best )  
friend of J. B., a minor, PEARL KING and NAZAR )  
MUHAMMAD, as parent and next best friend of M. K., a minor, )  
PAMELA KIDD, as parent and next best friend of C. H., a minor, )  
TENNISHA COX, as parent and next best friend of A. G., )  
a minor, ASHELY HOWELL, as next best friend of C. W., )  
a minor, and MARY TERRY, as parent and next best friend )  
of Z. G., a minor, )

Plaintiffs, )

No.:

Jury Trial Demanded

CHICAGO PUBLIC SCHOOLS a/k/a CITY OF CHICAGO )  
PUBLIC SCHOOL DISTRICT 299, a Municipal Entity, CITY )  
OF CHICAGO BOARD OF EDUCATION, JOHN WHISTLER )  
ELEMENTARY SCHOOL, JANE DOE EDUCATOR NO. 1, )  
JANE DOE EDUCATOR NO. 2, UNKNOWN AGENTS AND )  
EMPLOYEES OF CHICAGO PUBLIC SCHOOLS a/k/a CITY )  
OF CHICAGO PUBLIC SCHOOL DISTRICT 299, )  
CITY OF CHICAGO BOARD OF EDUCATION, AND )  
UNKNOWN AGENTS AND EMPLOYEES OF JOHN )  
WHISTLER ELEMENTARY SCHOOL, )

Defendants. )

**COMPLAINT AT LAW**

Plaintiffs, BRANDON HAGAN AND JULIE HAGAN, as parents and next best friend of J. H., a minor, JASON THOMAS, as parent and next best friend of K. T., a minor, PARRISH BOWEN and CANDACE BOWEN, as parents and next best friend of J. B., a minor, PEARL KING, as parent and next best friend of M. K., a minor, PAMELA KIDD, as parent and next best friend of C. H., a minor, TENNISHA COX, as parent and next best friend of A. G., a minor, ASHELY HOWELL, as parent and next best friend of C. W., a minor, MARY TERRY, as parent and next best friend of Z. G., a minor, (hereinafter referred to as “Plaintiffs” and the “Minor Children”) by and through their attorneys, THE COCHRAN FIRM CHICAGO,

complaining of Defendants Chicago Public Schools a/k/a City of Chicago Public School District 299, City of Chicago Board of Education, John Whistler Elementary School, Jane Doe Educator No. 1, Jane Doe Educator No. 2, Unknown Agents and Employees of Chicago Public Schools a/k/a City of Chicago Public School District 299 and Chicago Board of Education, Unknown Agents and Employees of John Whistler Elementary School, and each of them and in the alternative, state as follows:

### **JURISDICTION AND VENUE**

1. The jurisdiction of this Court is invoked pursuant to 735 ILCS 5/2-209 because the facts and circumstances giving rise to the facts herein are substantially connected with the state of Illinois.

2. Venue is proper in the Circuit Court of Cook County pursuant to 735 ILCS 5/2-101 because the events giving rise to this cause of action took place in the City of Chicago and County of Cook.

### **PARTIES**

3. The Plaintiffs are the natural parents and or duly appointed guardians of each of the respective Minor Children who are special education students in grades kindergarten through second grade, and who at all relevant times were students attending John Whistler Elementary School wherein Educator No. 1 was their teacher.

4. Defendant Chicago Public Schools, a/k/a City of Chicago Public School District 299 (hereinafter “CPS”) is a municipal corporation organized under the laws of the State of Illinois.

5. Defendant Chicago Board of Education (hereinafter “the Board”) is responsible for the governance and organizational oversight of CPS, and establishes CPS policies, standards,

goals and initiatives to ensure CPS is accountable and provides a high-quality education to the students that they serve.

6. Defendant John Whistler Elementary School (hereinafter “Whistler Elementary”) is a member-school within CPS that is located at 11533 South Ada Street in the City of Chicago.

7. Whistler Elementary’s pledge is to ensure that its students have a safe and nurturing environment within which to learn with an aim towards providing all students with a high-quality education.

8. Defendant Jane Doe Educator No. 1 (hereinafter “Educator No. 1”), is and at all times relevant, was employed and or contracted by CPS and or the Board and was a special education teacher and or administrator assigned to work at Defendant Whistler Elementary, and at all times relevant herein was acting within the scope of her agency, service and or employment as a special education teacher, official and or administrator for CPS and or the Board.

9. Defendant Jane Doe Educator No. 2 (hereinafter “Educator No. 2”), is and at all times relevant, was employed by the Defendants CPS and or The Board and was a principal, an official and or administrator assigned to work at Defendant Whistler Elementary, and at all times was acting within the scope of her agency, service and or employment as a special education teacher, official and or administrator for CPS and or the Board.

### **FACTS**

10. CPS, the Board and Whistler Elementary are mandated, and duty bound to provide special education, related services and specifically designed educational instruction to the Minor Children, tailored to meet the unique needs of each child.

11. As special education students, the Minor Children presented with various mental and or physical disabilities and learning disorders ranging from cerebral palsy, autism

spectrum disorder (ASD), attention-deficit/hyperactivity disorder (ADHD) to sensory processing disorder (SPD). A number of students have impaired verbal and nonverbal communication abilities.

12. On information and belief, it was well known by the Defendants, and each of them, that Defendant Educator No. 1, routinely and historically used and administered harmful, physical, and violent corporal punishment in carrying out her teaching responsibilities and duties at Whistler Elementary involving special education students which misconduct was continuous and on an ongoing basis up to and through February 2023.

13. Defendant Educator No. 1 often struck the students with her hands, wooden rulers, and other wood devices, and would threaten physical harm when the children had difficulty completing an assignment or task.

14. On information and belief, it was well known by the Defendants, and each of them, that Defendant Educator No. 1, routinely and historically used abusive, vile and offensive language with the Minor Children in her classroom, including at times demanding that a child complete a task and threatening continued physical violence if the child was having difficulty completing the task, which misconduct was continuous and on an ongoing basis up to and through February 2023.

15. It was common for Educator No. 1 to tell the Minor Children, “the longer you cry, the longer I will hit you.” It was common for Educator No. 1 to use offensive language by regularly cursing at the children and yelling vile words such as “get your ass up here” and “shut the f—k up.”

16. On information and belief, the corporal punishment and abusive behavior used by Defendant Educator No. 1 against the Minor Children was sanctioned and supported by Educator

No. 2 and certain known and Unknown agents and or employees of CPS, the Board and or Whistler Elementary.

17. Certain staff members assigned to Educator No. 1's classroom at Whistler Elementary, were harassed and threatened with losing their jobs if they exposed or reported the corporal punishment and abusive language and methods used by Educator No. 1, and approved by Educator No. 2, upon the Minor Children.

18. Often the special education students in Educator No. 1's classroom would be left with marks on their bodies including on their faces.

19. When a parent-Plaintiff questioned Educators No. 1 and or No. 2, about the marks on their bodies, Defendants conspired to hide the truth from the Collective Parents by stating that these physically and mentally challenged Minor Children at times are clumsy, tend to fall, etc., and thus, suggested that the source of the injuries to the Minor Children were unrelated to the misconduct of Educator No. 1 and or other school personnel.

20. Corporal punishment is expressly prohibited in Chicago public schools. CPS Policy Rule 6-21 specifically provides: "No employee of the Board of Education may inflict corporal punishment of any kind upon persons attending the public schools of the City of Chicago."

21. Despite this rule, the Defendants permitted, allowed, and sanctioned the ongoing use of physical and emotional corporal punishment to be used against the Minor Children in the classroom of Educator No. 1 and at Whistler Elementary.

22. On information and belief, Defendant Educator No. 1 used impermissible "time out" methods with the Plaintiffs' Minor Children, which included isolated time outs by ordering Minor Children to stand in a corner facing a wall in the classroom for unreasonable and extended

periods of time; and, as a means of punishments by depriving the Minor Children of certain necessities, which misconduct was continuous and on an ongoing basis up to and through February 2023. On information and belief, it was well known by the Defendants, and each of them, that Defendant Educator No. 1, routinely and historically used forbidden and prohibited time out methods in managing the Plaintiffs' children.

23. CPS recognizes that "placing a student in time outs can carry many risks to the student's physical well-being, emotional health, self-image, and reputation in the school community."

24. CPS Policy Rule 705.4 provides that time out should be "only for a brief time." In adopting the Rule, CPS stated, "there is an increasing concern that restraint and time out are being used more broadly and that students with disabilities are being disproportionately subjected to their use."

## COUNT I

### **Willful and Wanton Claim**

*Defendants Chicago Public Schools a/k/a City of Chicago Public School District 299, City of Chicago Board of Education, John Whistler Elementary School, Jane Doe Educator No. 1, Jane Doe Educator No. 2, and Unknown Agents and or Employees of Chicago Public Schools a/k/a City of Chicago Public School District 299, Chicago Board of Education, John Whistler Elementary School*

25. Each of the foregoing paragraphs are incorporated as if fully set forth and restated herein.

26. At all times relevant, it was the duty of CPS, the Board, Whistler Elementary, Educators No. 1 and 2, and certain Unknown Agents and or Employees of the Defendants to ensure that the Minor Children had a safe and nurturing environment within which to learn, to be free of physical violence and mistreatment, to be free from the use of corporal punishment, and for Defendants to refrain from engaging in reckless conduct, intentional conduct, willful and

wanton conductor conduct which exhibited an utter indifference or conscious disregard for the safety of the Minor Children.

27. During the time and at the place alleged, the Defendants, by and through their agents and employees breached their duty to the Minor Children of the Plaintiffs by acting in an intentional, reckless, willful and wanton manner, and or in utter disregard for the children safety in one or more of the following respects:

- a. Permitted and used prohibited corporal punishment against the Minor Children in violation of school policy;
- b. Permitted and used physical violence against the Minor Children;
- c. Permitted and used prohibited time-out methods against the Minor Children in violation of school policy;
- d. Permitted and used hostile and threatening tactics against mentally and physically compromised Minor Children;
- e. Permitted and used degrading, offensive and bullying language against the mentally and physically compromised the Minor Children;
- f. Created a hostile and abusive school learning environment for the Minor Children; and
- f. Was otherwise willful and wanton and/or negligent.

27. As a proximate result of one or more of the aforesaid intentional and/or willful and wanton acts and/or omissions by the Defendants, the Minor Children of the Plaintiffs sustained serious, continuing, and ongoing physical and emotional harm.

WHEREFORE, the Plaintiffs for the Minor Children, by and through their attorneys, The Cochran Firm Chicago, demand judgment against Defendants Chicago Public Schools a/k/a City of Chicago Public School District 299, City of Chicago Board of Education, John Whistler Elementary School, Jane Doe Educator No. 1, Jane Doe Educator No. 2, and Unknown Agents and or Employees of Chicago Public Schools a/k/a City of Chicago Public School District 299,

Chicago Board of Education, and John Whistler Elementary School, in an amount in excess of the jurisdictional limit of the Circuit Court of Cook County, and in such additional amounts as the Jury and the Court shall deem just and proper.

## COUNT II

### **Intentional infliction of Emotional Distress Claim**

***Defendants Chicago Public Schools a/k/a City of Chicago Public School District 299, City of Chicago Board of Education, John Whistler Elementary School, Jane Doe Educator No. 1, Jane Doe Educator No. 2, and Unknown Agents and or Employees of Chicago Public Schools a/k/a City of Chicago Public School District 299 and Chicago Board of Education, Unknown Agents and Employees of John Whistler Elementary School***

28. Each of the foregoing paragraphs are incorporated as if fully set forth and restated herein.

29. Over a continuing period of time including into February 2023, Defendants engaged in ongoing conduct of an outrageous, extreme nature which included the use of prohibited corporal punishment, use of abusive, degrading and threatening practices and vile language with the Minor Children who presented with special needs and physical, mental and emotional deficits.

30. At all times relevant, the Minor Children of the Plaintiffs were in the care, custody and control of the Defendants.

31. Defendants knew or should have known that the impact of their outrageous and abusive conduct upon the Minor Children – all of whom are special education students and some with very limited verbal ability, and with mental and physical limitations, would cause severe anxiety and emotional distress for the children.

32. As a direct and proximate result of the aforesaid outrageous and intentional acts and/or omissions by the Defendants, the Minor Children sustained serious, permanent, and ongoing physical and emotional harm.

WHEREFORE, the Plaintiffs for the Minor Children, by and through their attorneys, The Cochran Firm Chicago, demand judgment against Defendants Chicago Public Schools a/k/a City of Chicago Public School District 299, City of Chicago Board of Education, John Whistler Elementary School, Jane Doe Educator No. 1, Jane Doe Educator No. 2, and Unknown Agents and or Employees of Chicago Public Schools a/k/a City of Chicago Public School District 299, Chicago Board of Education, and John Whistler Elementary School, in an amount in excess of in an amount in excess of the jurisdictional limit of the Circuit Court of Cook County, and in such additional amounts as the Jury and the Court shall deem just and proper.

### COUNT III

#### **Negligent Hiring and Retention Claim**

***Defendants Chicago Public Schools a/k/a City of Chicago Public School District 299, City of Chicago Board of Education, John Whistler Elementary School and Educator No. 2, and Unknown Agents and or Employees of Chicago Public Schools a/k/a City of Chicago Public School District 299, Chicago Board of Education, and John Whistler Elementary School***

33. Each of the foregoing paragraphs are incorporated as if fully set forth and restated herein.

34. Defendants knew or should have known that prior to February 2023, Defendant Educator No. 1, a special education teacher, had a long standing and continuing history and practice of using physical violence, mental abuse, threatening behavior and offensive language towards the Minor Children she was assigned to teach at Whistler Elementary.

35. Defendants knew that Minor Children in Educator No. 1 classroom presented with various mental and or physical disabilities and learning disorders ranging from cerebral palsy, autism spectrum disorder (ASD), attention-deficit/hyperactivity disorder (ADHD) to sensory processing disorder (SPD), and that a number of the Minor Children have impaired verbal and nonverbal communication abilities.

36. Despite Defendants' knowledge that Educator No. 1 was incapable of carrying out the duties and responsibilities needed to teach and more importantly to teach children with special needs, knowledge that Educator No. 1 was physically and verbally abusive towards the students in her class, Defendants chose to allow Educator No. 1 to remain in a classroom setting at Whistler Elementary.

37. Despite Defendants' knowledge that Educator No. 1 was incapable of carrying out the duties and responsibilities needed to teach and more importantly to teach Minor Children with special needs, knowledge that Educator No. 1 was physically and verbally abusive towards the students in her class, Defendants failed to discharge Educator No. 1, or in the alternative failed to make sure Educator No. 1 no longer worked in a classroom with special needs children.

38. Despite Defendants' knowledge that Educator No. 1 lacked the patience and skill set to carry out the duties and responsibilities needed to teach Minor Children with special needs, Defendants failed to train Educator No. 1 on handling, teaching, and working with the Minor Children who are special needs children and some of which who have ASD, ADHD and or SPD.

39. As a direct and proximate result of the aforesaid acts and/or omissions by the Defendants, the Minor Children of the Plaintiffs sustained serious, continuing, and ongoing physical and emotional harm.

WHEREFORE, the Plaintiffs for the Minor Children, by and through their attorneys, The Cochran Firm Chicago, demand judgment against Defendants Chicago Public Schools a/k/a City of Chicago Public School District 299, City of Chicago Board of Education, John Whistler Elementary School, Jane Doe Educator No. 2, and Unknown Agents and or Employees of Chicago Public Schools a/k/a City of Chicago Public School District 299, Chicago Board of Education, and John Whistler Elementary School, in an amount in excess of in an amount in excess of the

jurisdictional limit of the Circuit Court of Cook County, and in such additional amounts as the Jury and the Court shall deem just and proper.

#### COUNT IV

##### Battery Claim

*Defendants Educator No. 1 and Unknown Agents and or Employees of Chicago Public Schools a/k/a City of Chicago Public School District 299 and John Whistler Elementary School*

40. Each of the foregoing paragraphs are incorporated as if fully set forth and restated herein.

41. At all relevant times, the Defendants, Educator No. 1, and CPS, the Board and Whistler Elementary, by and through the acts of certain Unknown agents and or employees of CPS and Whistler Elementary, had a duty to exercise care in their interaction with special education students, including the Minor Children, assigned to the classroom of Educator No. 1, at Whistler Elementary, and to refrain from using nonconsensual, harmful, and offensive physical contact with students in the school.

42. Over an ongoing and continuing period of time up to and including February 2023, while on the premises of Whistler Elementary, Defendants engaged in the use of harmful and offensive, physical contact against the Minor Children. The conduct was intended to cause, and did cause pain and harm to the students both physically, mentally, and emotionally.

43. As a direct and proximate result of the ongoing and continuous harmful and offensive physical contact, the Minor Children sustained serious and permanent, physical and emotional harm.

WHEREFORE, the Plaintiffs for the Minor Children, by and through their attorneys, The Cochran Firm Chicago, demand judgment against Defendants Educator No. 1 and Unknown Agents and or Employees of Chicago Public Schools a/k/a City of Chicago Public School District

299, John Whistler Elementary School, in an amount in excess of in an amount in excess of the jurisdictional limit of the Circuit Court of Cook County, and in such additional amounts as the Jury and the Court shall deem just and proper.

### **JURY DEMAND**

Plaintiffs, BRANDON HAGAN AND JULIE HAGAN, as parents and next best friend of J. H., a minor, JASON THOMAS, as parent and next best friend of K. T., a minor, PARRISH BOWEN and CANDACE BOWEN, as parents and next best friend of J. B., a minor, PEARL KING, as parent and next best friend of M. K., a minor, PAMELA KIDD, as parent and next best friend of C. H., a minor, TENNISHA COX, as parent and next best friend of A. G., a minor, ASHELY HOWELL, as parent and next best friend of C. W., a minor, MARY TERRY, as parent and next best friend of Z. G., a minor, demand a trial by jury on all Counts.

Respectfully submitted,

/s/ Melvin L. Brooks  
One of the Attorneys for Plaintiffs

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**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
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a minor, ASHELY HOWELL, as next best friend of C. W., )  
a minor, and MARY TERRY, as parent and next best friend )  
of Z. G., a minor, )

Plaintiffs, )

No.:

Jury Trial Demanded

CHICAGO PUBLIC SCHOOLS a/k/a CITY OF CHICAGO )  
PUBLIC SCHOOL DISTRICT 299, a Municipal Entity, CITY )  
OF CHICAGO BOARD OF EDUCATION, JOHN WHISTLER )  
ELEMENTARY SCHOOL, JANE DOE EDUCATOR NO. 1, )  
JANE DOE EDUCATOR NO. 2, UNKNOWN, AGENTS AND )  
EMPLOYEES OF CHICAGO PUBLIC SCHOOLS a/k/a CITY )  
OF CHICAGO PUBLIC SCHOOL DISTRICT 299, )  
CITY OF CHICAGO BOARD OF EDUCATION, AND )  
UNKNOWN AGENTS AND EMPLOYEES OF JOHN )  
WHISTLER ELEMENTARY SCHOOL, )

Defendants. )

**AFFIDAVIT**

I, Melvin L. Brooks, declare, under penalty of perjury pursuant to Section 1-109 of the Code of Civil Procedure, that if I were called upon to testify, I would do so as follows:

1. I am an attorney licensed to practice law in the State of Illinois.

2. I am an attorney with the law firm of The Cochran Firm Chicago, one of the attorneys of record for the Plaintiffs in the above-referenced cause of action familiar with the facts in this matter, and I have reviewed the available information relating to the money damages in this matter.

3. Based upon information available to me at the present time, the total amount of money damages sought in this matter are worth in excess of \$50,000.00.

4. This Affidavit is submitted in compliance with Supreme Court Rule 222. Further, Affiant sayeth not.

### VERIFICATION

Under Section 1-109 of the Illinois Code of Civil Procedure, I, MELVIN L. BROOKS, declare under penalty of perjury, that the foregoing is true and correct, to the best of my knowledge.

/s/Melvin L. Brooks  
MELVIN L. BROOKS  
Affiant

Dated: March 15, 2023

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