

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

---

Candice Egan,

Plaintiff,

vs.

Saint Paul Public Schools District 625,  
Carlondrea Hines in her individual  
and official capacities, and  
Valeria Silva in her individual  
and official capacities,

Defendants.

---

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

Case Type: Civil Rights

**COMPLAINT AND  
JURY DEMAND**

The Plaintiff, Candice Egan (“Plaintiff” or “Ms. Egan”), for her Complaint against Defendants Saint Paul Public Schools, Carlondrea Hines, and Valeria Silva, (collectively “Defendants”), states and alleges as follows:

**PARTIES, JURISDICTION & VENUE**

1. At all relevant times, Plaintiff resided in and was an adult citizen of Minnesota.
2. Defendant Saint Paul Public Schools District 625 (“SPPS”) is a Minnesota school district and a municipality under Minnesota law.
3. Defendant Carlondrea Hines (“Principal Hines”) is an adult resident of Minnesota and, at all relevant times, was employed as the Principal of Creative Arts Secondary High School (“CASS”).
4. Defendant Valeria Silva (“Ms. Silva”) is an adult resident of Minnesota and, at all relevant times, was employed as the Superintendent of SPPS.

5. The United States District Court for the District of Minnesota has jurisdiction in this case because Plaintiff's cause of action arises under 42 U.S.C. § 1983, a federal law. This Court has jurisdiction under 28 U.S.C. §§ 2201 and 2202 to declare the rights of the parties and grant further relief found necessary and proper. This Court has supplemental jurisdiction in this case under 28 U.S.C. 1367.

6. Venue is proper in the District of Minnesota under 28 U.S.C. § 1391(b) because the unlawful retaliatory practices alleged herein occurred in Ramsey County, Minnesota and because several of the Defendants reside in the District of Minnesota.

### FACTS

7. Ms. Egan is an employee of Teachers on Call ("TOC"), an employment agency that provides substitute education professionals to over 70 school districts in Minnesota and Wisconsin.

8. Prior to March 22, 2016, Plaintiff regularly applied for and received substitute teaching positions at SPPS through TOC.

9. Plaintiff regularly received positive feedback from students and coworkers at SPPS schools, and she was repeatedly assigned to SPPS locations.

10. Through TOC, Plaintiff applied for and received a substitute teaching position at CASS for March 22, 2016, during which she was scheduled to teach 7th grade science. Plaintiff reported to work that morning as scheduled.

11. When Plaintiff arrived at CASS, she was instructed that if there were any concerns or disruptions in her classes, Plaintiff should call the main office.

12. Before Plaintiff began her sixth period class, she was informed by SPPS staff that this class was particularly difficult. Plaintiff was not given any alternative instructions for handling concerns or disruptions for the sixth period class.

13. Prior to March 22, 2016, SPPS had knowledge of dangerous conditions present at CASS.

14. Prior to March 22, 2016, SPPS failed to take adequate precautions to prevent violence in its classrooms.

15. Prior to March 22, 2016, SPPS failed to provide proper security at CASS.

16. During Plaintiff's sixth period class on March 22, 2016, the students became extremely unruly. The condition in the classroom became so disruptive that a teaching assistant removed some of the students to the principal's office.

17. While the teaching assistant was gone, the condition in the classroom did not improve. Plaintiff called the administrative office asking for help dealing with the students, as she was directed to do so in case of classroom concerns. An SPPS staff member arrived shortly thereafter, but left almost immediately.

18. Once Plaintiff was alone in the classroom again, students again became unruly. Plaintiff called again for assistance. SPPS staff indicated they would send someone right up to Plaintiff's class.

19. After a few minutes passed and the classroom remained chaotic, Plaintiff called the office a third time, but the call went unanswered and was transferred to voicemail.

20. No SPPS staff member arrived to Plaintiff's classroom, and the class continued to be disruptive.

21. Plaintiff noticed that one of her students, CG, was using his smartphone despite earlier being instructed to put it away. Plaintiff confiscated the phone.

22. CG immediately became angry, shouting, "Give me my phone, you f\*\*\*ing b\*\*\*\*," and shoving Plaintiff backwards into a window.

23. CG continued this assault for some time, shoving Plaintiff whenever she regained balance and repeating his demand for the phone.

24. Plaintiff was hurt, alarmed, and frightened, and she called for help to the other students. The other students said they could not help her.

25. Plaintiff attempted to call the office, but CG hung up the phone whenever she started dialing.

26. No SPPS staff member arrived during the entirety of the assault or events leading up to it, despite the promise of help from CASS office staff during Plaintiff's third call for help.

27. Eventually, Plaintiff called out to a teacher in the hall, saying that she had been assaulted and needed help. Soon afterwards, Plaintiff's teaching assistant returned to the room. Plaintiff told her what happened, and the teaching assistant left once again to go to the office with CG.

28. Plaintiff taught the rest of the class period. During that time, Plaintiff realized she had been seriously injured.

29. At the beginning of the seventh period, Plaintiff left the teaching assistant in charge of the class, at her suggestion, and went to report the incident and get ice for her shoulder. Plaintiff went to the school office, informed the staff of what had happened, and asked what to do. The secretary at the front desk gave Plaintiff a "First Report of Injury" form and directed her to the nurse's office. Plaintiff filled the form out and provided it to the school. Plaintiff then went to the school nurse for ice and returned to teach seventh period.

30. Later that day, Plaintiff asked the receptionist what her next steps should be regarding the assault. Principal Hines then arrived and asked Plaintiff to tell her about the assault. Plaintiff obliged, and Principal Hines took notes.

31. Still later, Plaintiff called TOC and reported the incident. She was directed to human resources and had a conversation about the assault. Plaintiff called TOC several times to request clarification and instructions.

32. On or around March 23, 2016, Plaintiff called the school to follow up. The secretary at CASS informed Plaintiff that CG had been suspended. She also informed Plaintiff that Principal Hines was out of the office but that she would call her later that day.

33. Later that day, Plaintiff received a call from Principal Hines. Principal Hines apologized for the situation.

34. That same day, Michael Braddock (“Braddock”) from the Security and Emergency department of SPPS called Plaintiff to discuss the assault. Braddock suggested that filing a police report would be a good idea since it would help create a “paper trail” for the student.

35. On or around March 24, 2016, Plaintiff filed a police report about the assault.

36. On or around March 25, 2016, a reporter for the St. Paul Pioneer Press, Mara Gottfried, (“Gottfried”) called Plaintiff about the police report. Gottfried asked Plaintiff if she would talk to her about the incident. Ms. Egan said she would think about it and call back. Ms. Egan decided that the assault, and violence in Saint Paul schools generally, was an important issue to tell the public about. She called back later that same day, March 25, to provide an interview.

37. Pioneer Press published an article about the incident on their website that afternoon.

38. During the next few days, Plaintiff gave interviews to WCCO CBS Minnesota, the Star Tribune newspaper, and another radio program.

39. On or around March 28, 2016, Plaintiff worked her scheduled assignment at Johnson Senior High School. The principal of that school specifically asked Ms. Egan if she would be willing to extend her eight-day assignment to fifteen days.

40. On or around March 29, 2016, while working at Johnson High, Plaintiff received a voicemail from TOC employee, Katelyn Clark (“Clark”) about the assault incident. Clark stated that SPPS “seems kind of concerned that none of the staff there was involved as [the incident] was happening.”

41. Clark also stated that “the district has given us some directives here as to how to move forward.”

42. One of those directives was to immediately stop placing Plaintiff in positions at SPPS and to remove her from any teaching jobs already scheduled in the district.

43. Plaintiff contacted TOC and informed them that, in contrast to SPPS’s statement that “none of the staff” was involved, she had been proactive in informing both TOC and the staff at SPPS about the incident, talking to the principal of the school and Michael Braddock in depth about the assault, and informing many others of the incident, all before talking to the press.

44. TOC wrote up an incident report concerning Plaintiff’s blacklisting from SPPS that contained the following statement: “Candice has been removed from the SPPS substitute pool for the remainder of the 2015-2016 school year. The district is seeking some space after perceiving that recent media spotlight was inappropriate.”

45. To the date of this Complaint, Plaintiff has not been allowed to work at any school in the SPPS system.

46. SPPS had faced considerable public scrutiny on the subject of violence in Saint Paul schools in the year before, and the time since, Plaintiff’s assault took place. There have been several prior assaults against teachers at locations operated by and supervised by SPPS.

47. The news stories about Plaintiff's assault were just another set of bad press for SPPS. The Star Tribune's headline read, "Another Teacher Assaulted." The stories were embarrassing to SPPS, CASS, and Principal Hines, who had only been the principal of CASS for less than a year.

48. SPPS blacklisted Plaintiff in retaliation for Plaintiff speaking with the press.

49. Plaintiff suffered serious injuries as a result of the assault at CASS.

50. SPPS could have and should have prevented Plaintiff's injuries by properly supervising its premises and students.

51. SPPS knew that injuries to Plaintiff, or another person teaching and/or staffing at SPPS, would occur if it failed to adequately supervise its premises and students.

52. The injuries sustained by Plaintiff were the result of the illegal acts of Defendants.

53. Prior to March 22, 2016, Defendants knew that CASS was dangerous and posed an imminent risk of harm to teachers, support staff, building administration and students.

54. On December 9, 2015, the Saint Paul Federation of Teachers issued a statement from its President on "School Climate." In this statement, President Rodriguez remarked, "This year has been marked by too many instances of assaults on students, teachers, and other staff members in the halls and classrooms of our schools." President Rodriguez noted that despite urgent calls for change, SPPS "decided to create a committee and a new department to study the problem of school safety . . . . Instead of moving supports into buildings, another layer of bureaucracy is going to study the problem." President Rodriguez further suggested that "if our school climates are not safe and equitable environments for learning," teachers may be forced to strike.

55. Plaintiff was assaulted by a student at an SPPS school just months after President Rodriguez's statement on School Climate.

56. Plaintiff's injuries were the result of foreseeable misconduct that could have been prevented by the exercise of reasonable care.

57. Both Ms. Silva and Principal Hines were responsible for preventing the kinds of injuries sustained by Plaintiff on March 22, 2016.

58. Defendants had a duty to keep its premises safe for Plaintiff.

59. Defendants had a non-discretionary duty to provide Plaintiff with an environment free of abuse, harassment, violence, and assaultive behavior of students.

60. The actions of Defendants in placing Plaintiff in a dangerous environment was in violation of their non-discretionary duties and rules.

### **COUNT I**

#### **VIOLATION OF 42 U.S.C. § 1983 AND INFRINGEMENT OF FIRST AMENDMENT RIGHTS AGAINST ALL DEFENDANTS**

Plaintiff re-alleges each and every paragraph of this Complaint.

61. 42 U.S.C. § 1983 provides that individuals, municipalities, or state agencies are prohibited from depriving any citizen of the U.S. of constitutional rights.

62. Plaintiff's interviews with various members of the press constitute speech protected by the First Amendment to the United States Constitution, as applied to the states through the Due Process Clause of the Fourteenth Amendment.

63. Defendants disciplined and punished Plaintiff for her speech.

64. Defendants did not have a constitutionally justifiable reason to discipline Plaintiff for her speech.

65. Acting intentionally and under the color of state law, Defendants have violated Plaintiff's rights under the First Amendment to the United States Constitution by retaliating against Plaintiff for exercising her constitutionally protected speech.



66. As an actual and proximate result of Defendants' conduct, Plaintiff has been injured and has suffered damages.

**COUNT II**

**VIOLATION OF 42 U.S.C. § 1983  
AND INFRINGEMENT OF DUE PROCESS RIGHTS  
AGAINST DEFENDANT SILVA**

Plaintiff re-alleges each and every paragraph of this Complaint.

67. 42 U.S.C. § 1983 provides that individuals, municipalities, or state agencies are prohibited from depriving any citizen of the U.S. of constitutional rights.

68. Defendant Silva was acting under color of state law and authority when Plaintiff was assaulted on SPPS school property on March 22, 2016.

69. On March 22, 2016, Plaintiff was a member of a limited, precisely definable group of individuals who were teaching and/or providing staff support at SPPS locations, including CASS.

70. Defendant Silva was aware that SPPS's failure to provide adequate protective measures at SPPS locations, including CASS, put Plaintiff at a significant risk of serious, immediate, and proximate harm.

71. The risk of harm to Plaintiff from Defendant Silva's misconduct was obvious and/or known.

72. Defendant Silva acted recklessly in conscious disregard to the risk of violence to Plaintiff.

73. Defendant Silva's actions in failing to provide adequate security measures at SPPS schools, including CASS, were deliberate, in that deliberation was practical.

74. Defendant Silva's actions in failing to provide adequate security measures at SPPS schools, including CASS, demonstrated deliberate indifference to Plaintiff's constitutional right to be free from dangers created and/or fostered by Defendants.

75. As an actual and proximate result of Defendants' conduct, Plaintiff has been injured and has suffered damages.

**COUNT III**

**VIOLATION OF 42 U.S.C. § 1983  
AND INFRINGEMENT OF DUE PROCESS RIGHTS  
AGAINST DEFENDANT HINES**

Plaintiff re-alleges each and every paragraph of this Complaint.

76. 42 U.S.C. § 1983 provides that individuals, municipalities, or state agencies are prohibited from depriving any citizen of the U.S. of constitutional rights.

77. Defendant Hines was acting under color of state law and authority when Plaintiff was assaulted on SPPS school property on March 22, 2016.

78. On March 22, 2016, Plaintiff was a member of a limited, precisely definable group of individuals who were teaching and/or providing staff support at SPPS locations, including CASS.

79. Defendant Hines was aware that SPPS's failure to provide adequate protective measures at CASS put Plaintiff at a significant risk of serious, immediate, and proximate harm.

80. The risk of harm to Plaintiff from Defendant Hines's misconduct was obvious and/or known.

81. Defendant Hines acted recklessly in conscious disregard to the risk of violence to Plaintiff.

82. Defendant Hines's actions in failing to provide adequate security measures at CASS, were deliberate, in that deliberation was practical.

83. Defendant Hines's actions in failing to provide adequate security measures at CASS demonstrated deliberate indifference to Plaintiff's constitutional right to be free from dangers created and/or fostered by Defendants.

84. Defendant Hines's actions in failing to properly warn CASS visitors of a known, dangerous condition demonstrated deliberate indifference to Plaintiff's constitutional right to be free from dangers created and/or fostered by Defendants.

85. As an actual and proximate result of Defendants' conduct, Plaintiff has been injured and has suffered damages.

#### **COUNT IV**

#### **NEGLIGENCE AGAINST SPPS**

86. SPPS had a duty to protect Plaintiff from foreseeable harm when she was in the CASS school building.

87. Prior to March 22, 2016, SPPS had knowledge of the dangerous conditions present at CASS.

88. Prior to March 22, 2016, SPPS failed to take adequate measures to prevent the type of injuries sustained by Plaintiff.

89. SPPS could have and should have prevented Plaintiff's injuries by properly supervising its premises and students and/or providing Plaintiff with adequate resources to prevent violence within the classroom.

90. SPPS breached that duty by failing to remedy the unsafe environment that existed in Plaintiff's classroom on the day of the assault.

91. As an actual and proximate result of SPPS's conduct, Plaintiff has been injured and has suffered damages.

92. The damages suffered by Plaintiff were the result of foreseeable misconduct that could have been prevented by the exercise of reasonable care.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully prays:

a. That the practices of Defendant complained of herein be adjudged, decreed and declared to be in violation of the rights secured to Plaintiff under the United States Constitution.

b. That Plaintiff be allowed to work in SPPS again or, in the alternative, be awarded front pay and the monetary value of working for the district.

c. That Plaintiff be awarded all damages available under each claim plead above, in an amount to be determined at trial, together with prejudgment interest to the fullest extent permitted by law.

d. That Plaintiff be awarded punitive damages.

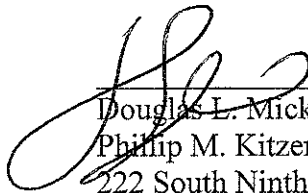
e. That the Court award Plaintiff her reasonable attorneys' fees, costs and disbursements.

f. That the Court grant such other and further relief as it deems fair and equitable as necessary to make Plaintiff whole.

**PLAINTIFF DEMANDS TRIAL BY JURY ON ALL COUNTS.**

Dated: 12/22/16

**TESKE, MICKO, KATZ, KITZER  
& ROCHEL, PLLP**



Douglas L. Micko (MN Bar No. 0299364)  
Phillip M. Kitzer (MN Bar No. 0390441)  
222 South Ninth Street, Suite 4050  
Minneapolis, MN 55402  
Phone: (612) 746-1558  
Fax: (651) 846-5339  
micko@teskemicko.com  
kitzer@teskemicko.com

**ERIC W. VALEN, ATTORNEY AT LAW**

Eric W. Valen (MN Bar No. 0111983)  
219 Little Canada Road E., Suite 200  
Little Canada, MN 55117  
Phone: (651) 774-3434  
Fax: (877) 774-4298  
evalen@valenlawfirm.com

*ATTORNEYS FOR PLAINTIFF*