IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ATHENS DIVISION

SONDRA ANDERSON Individually and as next Friend of N.A.,	)	
Plaintiff,	)	CIVIL ACTION FILE NO. _____
v.	)	
KELLY AKIN,	)	
Defendant.	)	

COMPLAINT

This is a civil rights action alleging the right of a student to refuse to stand and pledge allegiance to the flag at the beginning of each day. Pursuant to her rights under the First and Fourteenth Amendments of the United States Constitution. Plaintiff seeks declaratory and injunctive relief and damages pursuant under 42 U.S.C. § 1983.

Jurisdiction

COUNT ONE

This action is brought pursuant to 42 U.S.C. § 1983; the First and Fourteenth Amendments of the United States Constitution. This Court has subject matter jurisdiction over the federal constitutional claim pursuant to 28 U.S.C. §§ 1331 and 1343 (a) (3).

2.

The Court has the authority to grant declaratory relief pursuant to the Declaratory Judgment Act, 28 U.S.C. §§ 2201 and 2202. Plaintiff's action for injunctive relief is authorized by the foregoing statutes and by Rule 65 of the Federal Rules of Civil Procedure.

Venue

3.

Venue is proper in this Court because "a substantial part of the events" at issue occurred within this district. 28 U.S.C. § 1391 (b) (2).

4.

Plaintiff Sonya Anderson is the mother and custodian of N.A., who is a minor and a student at the Franklin County Middle School.

5.

Defendant Kelly Akin is the principal of the middle school that N.A. attends.

6.

In or about the week of November 15, 2016, having studied the matter conscientiously, N.A. refused to stand for the Pledge of Allegiance.

7.

She was sent to defendant's office who threatened her with a disciplinary action if N.A. continued to refuse to stand for the Pledge of Allegiance.

8.

The next day, N.A. again refused to stand for the Pledge of Allegiance as a matter of conscience. She wished to make a symbolic protest about issues of racism in the country and in Franklin County.

9.

N.A. was again sent to the office of defendant who threatened her with in-school suspension if she refused to stand.

10.

On or about December 1, 2016, N.A. again refused to stand for the Pledge of Allegiance.

11.

N.A. was again sent to the office of defendant who threatened her with out-of-school suspension if she refused to stand. She was also threatened with being sent to alternative school.

12.

Each of these statements was meant to chill N.A.'s exercise of her constitutional rights. N.A. is a straight A student and any disciplinary action would severely impact her future ability to attend college.

13.

Since that date, N.A. is required to go to the principal's office during the Pledge of Allegiance for as long as the Pledge is spoken.

14.

Such a requirement stigmatizes plaintiff for her opinions and protected speech.

15.

The actions of defendant were and continue to be taken under the color of state law.

16.

The actions of defendant have been taken and continue to be taken in violation of the First and Fourteenth Amendments.

17.

As a proximate result of defendant's actions, N.A. has suffered damages in the amount of $50,000.

18.

Because of defendant's intentional violation of N.A.'s rights, N.A. is entitled to punitive damages of $1.00.

19.

Plaintiff is entitled to reasonable attorney fees pursuant to 43 U.S.C. § 1988.

COUNT TWO

20.

Paragraphs 1-16, and 19 are realleged as though fully set out.

21.

Due to defendant's violation of N.A.'s constitutional rights, N.A. has suffered and will continue to suffer irreparable harm to her constitutional rights for which she has no adequate remedy at law.

22.

Plaintiff is entitled to reasonable attorney fees under 42 U.S.C. § 1988

Wherefore Plaintiff prays:

1) for damages as set out above;

2) for a declaratory judgment declaring that N.A. is not required to go to the principal's office when the Pledge of Allegiance is recited and that

she is not to be threatened with discipline as long as she remains quietly and respectfully in her seat;

3) for an injunction enjoining defendant from threatening N.A. for refusing to stand for the Pledge of Allegiance as long as she remains quietly and respectfully in her seat and enjoining defendant from requiring N.A. to go to the principal's office when the Pledge of Allegiance is recited;

4) for reasonable attorney fees and costs;

5) for such other and further relief as is just and proper.

Respectfully submitted,

/s/ Ralph Goldberg
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